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Land Registration Law

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Land law

THE

REGISTRATION OF LAND TITLES AND THE LAND COURT

OF

MASSACHUSETTS,

94

WITH THE

DECISION OF THE SUPREME JUDICIAL COURT DECLARING ITS CONSTITUTIONALITY, SOME INTRODUCTORY NOTES BY THE RECORDER, AN INDEX TO THE LAW, AND AN INDEX OF LAND INCLUDED IN ALL PETITIONS TO JULY 1, 1910.

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THE LAND REGISTRATION LAW OF MASSACHUSETTS.

INTRODUCTORY STATEMENT.

The system of land transfer authorized by the land registration act, more commonly known as the "Torrens system," was first dealt with officially in Massachusetts in 1891, by a brief reference in the inaugural address of His Excellency the late Gov. Wm. E. Russell, and afterwards by his special message to the Senate and House of Representatives, dated Feb. 17, 1891. This message is here reprinted in full, with the exception of two paragraphs not applicable to the present law: —

In my inaugural address I referred to the fact that the subject of a thorough reform in our system of land registration and transfer would be brought before you, and commended the matter to your serious consideration. Since that time public-spirited citizens and various business organizations have been manifesting an interest in this question, and through the press and otherwise it is coming prominently before the people for discussion. In view of the great benefits which I believe can be realized by the adoption of new methods, I deem it proper to bring the matter specially and prominently to your attention.

I believe that the Australian system of land registration and transfer, more commonly referred to, from the name of its originator, as the Torrens system, is the longest step that has yet been taken anywhere towards that freedom, security and cheapness of land transfer which is conceded to be so desirable in the interest of the people. Our citizens demand the enactment of the best legislation that can be devised, whether originated here or elsewhere, and while another country, whose conditions are similar to our own, has gained the credit of first adopting the admirable and simple plan of land transfer which I now call to your attention, we can yet be the first among the States of the Union to place this legislation upon our statute book and to lead the way in its adoption by the American people, as we have already done in the case

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of the Australian ballot. The universal favor with which this latter system has been received by our people should at least remove any prejudice against following the legislation of the same country in another respect.

The need of some new system of land transfer is shown by the growing public dissatisfaction caused by the delays and expense attending our present system of registration of deeds. That system has existed in this Commonwealth for a little more than two hundred and forty years. In former days when our population was smaller it apparently satisfied the popular demand; but with increase of population it has become less serviceable. Our people are now largely concentrated in cities and populous towns. The last national census shows that forty-seven cities and towns, having each more than eight thousand inhabitants, contain seventy per cent. of our whole population. The density of the population with the greater subdivision of land and increase of real estate transactions which it involves is reflected in the mass of the records in our registries of deeds. The four containing the largest number of volumes are those of the Middlesex south district, of Suffolk County, of the Worcester district and of the Essex south district. These contain respectively at the present time, 2,022, 1,979, 1,355 and 1,300 volumes. The increase in the number of volumes in three of these registries during the period of thirty years from the end of the year 1860 to the end of the year 1890 was as follows: in the Suffolk registry, from 790 to 1,974 volumes, an increase of 150 per cent.; in the Middlesex south district registry, from 872 to 2,014 volumes, an increase of 131 per cent., and in the Essex south district registry, from 617 to 1,297 volumes, an increase of 110 per cent.* These figures indicate such a rapid growth in the mass of the records that at no distant day even the question of providing room for the records will be a matter of serious concern.

* Middlesex south registry now contains 3,160 volumes, and Suffolk, 3,038.

In the historical pamphlet written by John T. Hassam, A.M., on the registers of deeds for the county of Suffolk, being a part of the proceedings of the Massachusetts Historical Society for March, 1900, the author says: "The great increase in the bulk of the records in the Suffolk registry of deeds can be best comprehended by bearing in mind that 19 books contained all the deeds and other instruments left for record from the first settlement of the country down to the year 1700. On Jan. 1, 1800, the number had risen to 193; on Jan. 1, 1850, there were 606 books on the shelves; and on Jan. 1, 1875, 1,250 of them; on Jan. 1, 1900, they had increased to 2,656 in number. So that there have been added in the last twenty-five years more books than had been filled during the entire period that preceded it. These are huge folio manuscript volumes, containing, most of them, 640 pages each. When the present register entered upon the duties of his office there were 1,029 volumes in the registry, so that he has attested as many volumes of the records as all his predecessors put together and half as many more besides."

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But we are already met by the more serious difficulty that the present mass of records is so great that much time and labor must be spent in searches in order to ascertain the transactions which affect the title to any piece of land. This causes delay and expense in completing transfers even if the most complete methods of indexing should be employed, so as to reduce to a minimum the time required in searching the records — and our present methods are by no means perfect. The delay and expense attending the present system form a serious tax upon purchasers and mortgagors of land, which bears with especial weight upon owners of small estates.

The first point which should be noted in connection with the Torrens system is that its use is optional and not compulsory; existing methods of transfer can be continued precisely as at present. It remains entirely within the option of every land owner whether he will avail himself of the privileges offered by the new system or not, and therefore no one loses any right which he now possesses. The new method must secure support from the public not through compulsory legislation but through the greater advantages which it offers.

. . . . . .

The contrasts between our present system of registration of deeds and the Torrens system of registration of titles are very marked. Under our system title to land depends not only upon instruments recorded in the registry of deeds, but also upon facts and proceedings which lie outside of those records. There is a constant increase in the mass of records of deeds and of proceedings affecting titles to land, which makes the work of examination a constantly growing burden. If any man's title to a piece of land is questioned or attacked by any particular person the Commonwealth has provided courts with appropriate jurisdiction in which the owner can have his rights ascertained and established as against that person. But it has failed to provide any method by which one can have his title ascertained and established as against all the world. Under our practice a new examination of the title is usually made upon each sale or mortgage of a piece of land, in spite of the fact that sufficient examinations may have been made in former transactions. These repeated re-examinations, generally needless, not only cause useless expense but delays which often involve a serious loss.

Under the Torrens system an official examination of title is substituted for an unofficial one, and the result when once sufficiently ascertained is given conclusive effect in favor of the owner, and

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his title is made perfect against all the world. In effect under the Torrens system the State provides a proper court in which any one can have his rights in relation to a piece of land declared and established, not only as against particular persons who may have an adverse interest upon special notice to them, but also as against everybody. The principle of basing decrees upon general notice to all persons interested already prevails in our probate law. Laws providing for the removal of clouds upon title to land after general notice to all unknown defendants exist in many States of the Union, and the validity of decrees made under such laws has been established by decisions of the supreme court of the United States.

The contrasts in practical effect between the two systems are therefore very great. Under the system of registration of deeds, we have needless expense from repeated re-examinations, loss from delays, and possible insecurity arising from the fact that title depends not only upon the records but also upon facts outside of the records and not disclosed by them. Under the Torrens system, the title is examined once for all, and there is no needless re-examination; as all subsequent acts and proceedings must be brought one by one to the registrar to be noted, the state of the title can be ascertained at any time by simple inspection of the certificate on record. Therefore, with the added advantage of great simplification of the forms of legal instruments, transfers can be made quickly, easily and at small expense; and, further, there is absolute security in the possession of the premises bought, resulting from the indefeasibility given to the certificate of title issued by the State. The result is that under the Torrens system real estate can be transferred or pledged for loans with almost as much ease as stock in corporations.

A further feature of the system is worthy of notice. When land is first registered and a certificate of title is issued, or when it passes by will or descent on the death of an owner, the applicant, devisee or heir is required to pay a small percentage of the value of the land, generally about one-fifth of one per cent., into the public treasury. The sums so paid form an "assurance fund" which is held for the payment of indemnity to any person who may have had some claim upon, or interest in, land admitted to registration, and who failed to receive notice of the application, or for other sufficient cause did not assert his claim. Under our system, on the other hand, a purchaser may have paid full value for his land, yet if any outstanding claim or interest is overlooked, he is obliged to make further payment, and may be remitted for his remedy to a suit upon covenants which have no practical value.

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Again, technical claims are sometimes passed over by one attorney as of no consequence, but by subsequent requirement of some other attorney, who thinks them of importance, the owner may be subjected to delay and expense in obtaining a release.

Such being, in brief, the features of the Torrens system as contrasted with that which we now employ, argument seems almost superfluous in support of the advisability of adopting it. While a system which gives absolute security of title and makes transfers easy, quick and inexpensive, tends to make all land more valuable, its benefits will be especially felt by two great classes of our people, — the small land owners and the borrowers upon mortgage. Widely distributed proprietorship of land and the ownership by the people, to the greatest possible extent, of the homes in which they live, are so obviously desirable that I need not dwell upon them. It is evident that the masses of the people are more injuriously affected by the insecurity and expense connected with our present system than the rich; the smaller the piece of real estate, the greater is the proportionate expense of transferring it. Under the Torrens system, the expenses of transfer are based upon a fixed percentage of the value of the estate, so that a small estate is not subjected to a greater proportionate charge than a large one. Then, too, ease and cheapness of transfer are of more consequence to a man whose whole property is invested in a small piece of real estate than to the large land owner, as it is more important to the former to be able easily to dispose of his property to meet any sudden exigency.

The convenience and relief afforded by this new system to all who borrow upon mortgage will be very great. The facility of raising money easily and cheaply upon landed security is of great consequence to the prosperity and development of a community. By abolishing the tax formerly imposed upon mortgages, our State has already relieved borrowers of one unjust and oppressive burden, to the great advantage of the public, and the additional step now proposed will confer further benefit in the same direction. The power of readily pledging real estate will also prove of great importance to the business community. At present the delays involved in an examination of title often prevent a business man from obtaining a needed advance to meet a sudden stringency in the money market. At times when loans are contracted and credit is shaken it would be of great benefit to business if all the real estate of the community, possessing, as it does, greater stability of value than anything else, could be made as immediately available as a means of raising money as stocks of goods or other personal property.

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The Torrens system of registration of title was an adaptation to land of a system of registration of title to shipping. It was established in the colony of South Australia in the year 1856. It has since been adopted in the other Australian colonies, in New Zealand, British Columbia and in the city of Toronto in a modified form; it was established in part in Ireland soon after the year 1863; and as the result of a long agitation in England, a bill embodying it was brought forward as a government measure at the last session of Parliament. Systems of dealing with land which give like facilities of transfer have long existed in some of the continental countries of Europe. The successful use of the Torrens system for nearly a generation in Australia, its introduction into other English possessions, all deriving their system of law from the same source as ourselves, show that it can be easily adapted to our circumstances.

. . . . . .

I believe the present legislature can go far enough into this matter to become satisfied that the proposed system is both desirable and practicable, and to take action looking to its adoption. It is evident, however, that before a proper bill can be drafted for its application in this Commonwealth the whole subject should receive the most careful and painstaking investigation, ample opportunity should be afforded for all persons interested to express their views and to make suggestions, and the machinery for carrying out the new system should be thoroughly planned. It will also be found desirable, no doubt, to make some other changes in our present laws relating to land in connection with the adoption of the new system of transfer. I recognize that it is entirely impossible for a committee of the legislature, burdened with the duty of hearing and reporting upon many important matters in a limited time, to undertake the framing of such a statute.

I therefore recommend the appointment of a special commission, to be charged with the duty of giving public hearings on this matter, and reporting to the next legislature the draft of a proper act, together with any amendments of our present law which should accompany it. While I have in my inaugural address asked you to consider whether our present system of administrative commissions is a sound one, a commission of this character, created for the purpose of hearing evidence upon a special subject of large importance and involving much intricacy of detail, and reporting a bill for the information and assistance of the legislature, is not only unobjectionable in principle under our form of government, but useful in practice. I believe, moreover, that with a reason-

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able sum allowed for clerical expenses, competent men, who would command the confidence and support of the public, can be induced to serve upon this proposed commission out of public spirit and without compensation. Before the meeting of the next legislature there will be ample time for the performance of the work involved, and in my judgment public sentiment will have so ripened by that time in support of the proposed legislation that its enactment could be easily secured.

As a result of this message from Governor Russell, a joint special committee of both branches of the Legislature, to sit in recess, was appointed that year to report upon the advisability of adopting the Torrens system of land transfer. After investigation and public hearings the committee unanimously reported in favor of its adoption. A draft of a bill was presented to this committee and was before succeeding committees of the Legislature for 1892 and 1893. In 1893 the suggestion made in Governor Russell's message, to authorize the appointment of a special commission to consider the whole subject and report to the Legislature a draft of a bill, was adopted and authorized by chapter 100 of the Acts of 1893. James R. Carret and Heman W. Chaplin, Esqs., of Boston, and Frederick H. Stebbins, Esq., of Springfield, were appointed on this commission, and in March, 1894, they reported to the Legislature a majority and minority draft of a bill. Neither of these drafts was enacted, and the whole matter was referred to each succeeding Legislature till 1897, when by chapter 511 of the Acts of 1897, the Governor was authorized to appoint a committee to draft another bill, and Alfred Hemenway, Esq., of Boston, was appointed as the sole member of this committee. On Jan. 3, 1898, he reported to the Legislature a draft of a bill, which, with slight changes, was enacted as chapter 562 of the Acts of 1898, entitled "An act to provide for registering and confirming titles to land."

The land registration act went into effect Oct. 1, 1898, and the court of land registration was opened for business Oct. 14, 1898.

On Jan. 25, 1899, an action was brought in the supreme judicial court for the county of Suffolk attacking the validity of this act on the ground that it was contrary to the con-

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stitution of the United States and of the Commonwealth of Massachusetts.

Mr. Justice Hammond made the following reservation of the case for the decision of the full court: —

This case came on to be heard before me. The only question raised at the hearing was whether St. 1898, c. 562, was constitutional, this question I reserve for the determination of the full court, and report the case, by request of the parties, upon the petition and answer, together with the rules of the court of registration and the set of certified documents referred to in the answer and made part of the case. The parties have agreed that at the argument there may be furnished to the court pamphlet copies of said act, and such blank forms for procedure made by the said court of registration and approved by this court as any party may desire.

On Jan. 3, 1900, an opinion of the full court was filed, sustaining the constitutionality of the act, and the following decree was entered: —

SUFFOLK, ss. IN THE SUPREME JUDICIAL COURT.

WILLIAM B. TYLER, *Petitioner*, *v.* THE JUDGES OF THE COURT OF REGISTRATION, *Respondents.*

This case having been reserved for the consideration of the full court, and the full court, after hearing the same, having decided that the provisions of the land registration act of this Commonwealth, in the petition mentioned and amendments thereof, whereby a decree of registration entered in pursuance of the said statutes is made conclusive upon and against all persons as therein provided, are valid and not repugnant to the constitution of the United States or to the constitution of this Commonwealth; and having decided that the said statutes do not give to the recorder and assistant recorders therein mentioned judicial powers contrary to the constitution of this Commonwealth; and having decided that the provisions of the said statutes relating to transfers and dealings with registered land after original registration are valid and not repugnant to the constitution of the United States or the constitution of this Commonwealth, — now, in pursuance of the said decision and upon hearing counsel for the parties, it is ordered and decreed that the prayer of the petition for a writ of prohibition be denied, and that the petition do stand dismissed out of this court.

By the court: JOHN NOBLE, *Clerk.*

FEB. 9, 1900.

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In this case the petitioner was represented by John L. Thorndike, Esq., and the respondents by Attorney-General Hosea M. Knowlton and Assistant Attorney-General Franklin T. Hammond; and the opinion of the court, written by Chief Justice Holmes, is here printed in full: —

[175 Mass. 71.]

TYLER *v.* JUDGES OF THE COURT OF REGISTRATION.

HOLMES, C. J. This is a petition for a writ of prohibition against the judges of the court of registration established by St. 1898, c. 562, and is brought to prevent their proceeding upon an application concerning land in which the petitioner claims an interest. The ground of the petition is that the act establishing the court is unconstitutional. Two reasons are urged against the act, both of which are thought to go to the root of the statute and to make action under it impossible. The first and most important is that the original registration deprives all persons except the registered owner of any interest in the land without due process of law. There is no dispute that the object of the system, expressed in section 38, is that the decree of registration "shall bind the land and quiet the title thereto," and "shall be conclusive upon and against all persons" whether named in the proceedings or not, subject to few and immaterial exceptions. And this being admitted, it is objected that there is no sufficient process against, or notice to, persons having adverse claims in a proceeding intended to bar their possible rights.

The application for registration is to be in writing and signed and sworn to. It is to contain an accurate description of the land, to set forth clearly other outstanding estates or interests known to the petitioner, to identify the deed by which he obtained title, to state the name and address of the occupant, if there is one, and also to give the names and addresses, so far as known, of the occupants of all lands adjoining (section 21). As soon as it is filed, a memorandum containing a copy of the description of the land concerned is to be filed in the registry of deeds (section 20). The case is immediately referred to an examiner (appointed by the judge, section 12), who makes as full an investigation as he can, and reports to the court (section 29). If in the opinion of the examiner the applicant has a good title as alleged, or if the applicant after an adverse opinion elects to proceed further, the recorder is to publish a notice by order of the court in some newspaper published in the district where any portion of the land lies. This notice is to be addressed by name to all persons known to have an adverse interest, and to the adjoining owners and occupants so far

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as known, and to all whom it may concern. It is to contain a description of the land, the name of the applicant and the time and place of the hearing (section 31). A copy is to be mailed to every person named in the notice whose address is known, and a duly attested copy is to be posted in a conspicuous place on each parcel of land included in the application, by a sheriff or deputy sheriff, fourteen days at least before the return day. Further notice may be ordered by the court (section 32).

It will be seen that the notice is required to name all persons known to have an adverse interest, and this of course includes any adverse claim, whether admitted or denied, that may have been discovered by the examiner, or in any way found to exist. Taking this into account we should construe the requirement in section 21, concerning the application, as calling upon the applicant to mention not merely outstanding interests which he admits, but equally all claims of interest set up although denied by him. We mention this here to dispose of an objection of detail urged by the petitioner, and we pass to the general objection that, however construed, the mode of notice does not satisfy the constitution, either as to persons residing within the State upon whom it is not served or as to persons residing out of the State and not named.

If it does not satisfy the constitution, a judicial proceeding to clear titles against all the world hardly is possible, for the very meaning of such a proceeding is to get rid of unknown as well as known claims, — indeed, certainly against the unknown may be said to be its chief end; and unknown claims cannot be dealt with by personal service upon the claimant. It seems to have been the impression of the supreme court of Ohio, in the case most relied upon by the petitioner, that such a judicial proceeding is impossible in this country. (State *v.* Guilbert, 56 Ohio St. 575, 629.) But we cannot bring ourselves to doubt that the constitution of the United States and of Massachusetts, at least, permit it as fully as did the common law. Prescription or a statute of limitations may give a title good against the world, and destroy all manner of outstanding claims without any notice or judicial proceeding at all. Time and the chance which it gives the owner to find out that he is in danger of losing rights are due process of law in that case. (Wheeler *v.* Jackson, 137 U. S. 245, 258.) The same result used to follow upon proceedings which, looked at apart from history, may be regarded as standing half-way between statutes of limitations and true judgments *in rem*, and which took much less trouble about giving notice than the statute before us. We refer to the effect of a judgment on a writ of right after the mise joined and the lapse of a year and a day. (Booth, Real Actions, 101, *in*

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margine; Fitz. Abr. Continual Claim, pl. 7, *Faux Recovere*, pl. 1; Y. B. 5 Ed. III. 51, pl. 60; and of a fine with proclamations after the same time or by a later statute after five years. 2 Bl. Comm. 354. 2 Inst. 510, 518. St. 18 Ed. I. *modus levandi fines*. 34 Ed. III. c. 16. 4 & 5 Hen. VII. c. 24. 32 Hen. VIII. c. 36.) It would have astonished John Adams to be told that the framers of our constitution had put an end to the possibility of these ancient institutions. A somewhat similar statutory contrivance of modern days has been held good. (Turner *v.* New York, 168 U. S. 90.) Finally, as was pointed out by the counsel for the petitioner, a proceeding *in rem* in the proper sense of the word might give a clear title without other notice than a seizure of the *res*, and an exhibition of the warrant to those in charge. (2 Browne, Civ. & Adm. Law, 398.) The general requirement of advertisement in admiralty cases is said to be due to rules of court. (U. S. Adm. rule 9. Betts, Adm. Practice (1838), 33, 34, App. 14.)

The prohibition in the fourteenth amendment of the United States against a State depriving any person of his property without due process of law, and that in the twelfth article of the Massachusetts bill of rights refer to somewhat vaguely determined criteria of justification, which may be found in ancient practice (Murray *v.* Hoboken Land Co., 18 How. 272, 277), or which may be found in convenience and substantial justice, although the form is new (Hurtado *v.* California, 110 U. S. 516, 528, 531; Holden *v.* Hardy, 169 U. S. 366, 388, 389). The prohibitions must be taken largely with a regard to substance rather than to form, or they are likely to do more harm than good. It is not enough to show a procedure to be unconstitutional to say that we never have heard of it before. (Hurtado *v.* California, 110 U. S. 516, 537.)

Looked at either from the point of view of history or of the necessary requirements of justice, a proceeding *in rem* dealing with a tangible *res* may be instituted and carried to judgment without personal service upon claimants within the State or notice by name to those outside of it, and not encounter any provision of either constitution. Jurisdiction is secured by the power of the court over the *res*. As we have said, such a proceeding would be impossible were this not so, for it hardly would do to make a distinction between the constitutional rights of claimants who were known and those who were not known to the plaintiff, when the proceeding is to bar all. (Pennoyer *v.* Neff, 95 U. S. 714, 727; The Mary, 9 Cranch, 126, 144; Mankin *v.* Chandler, 2 Brock. 125, 127; Brown *v.* Levee Commissioners, 50 Miss. 468, 481; 2 Freeman, Judgments, 4th ed. sections 606, 611.) In Hamilton *v.* Brown, 161 U. S. 256, a judgment of escheat was held con-

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clusive upon persons notified only by advertisement to all persons interested. It is true that the statute under consideration required the petition to name all known claimants and personal service to be made on those so named. But that did the plaintiffs no good, as they were not named. So a decree allowing or disallowing a will binds everybody, although the only notice of the proceedings given be a general notice to all persons interested. And in this case, as in that of escheat just cited, the conclusive effect of the decree is not put upon the ground that the State has an obsolute power to determine the persons to whom a man's property shall go at his death, but upon the characteristics of a proceeding *in rem*. (Bonnemort *v.* Gill, 167 Mass. 338, 340. See 161 U. S. 263, 274.) Admiralty proceedings need only to be mentioned in this connection, and further citation of cases seems unnecessary.

Speaking for myself, I see no reason why what we have said as to proceedings *in rem* in general should not apply to such proceedings concerning land. In Arndt *v.* Griggs, 134 U. S. 316, 327, it is said to be established that "a State has power by statute to provide for the adjudication of titles to real estate within its limits as against non-residents who are brought into court only by publication." In Hamilton *v.* Brown, 161 U. S. 256, 274, it was declared to be within the power of a State "to provide for determining and quieting the title to real estate within the limits of the State and within the jurisdiction of the court after actual notice to all known claimants, and notice by publication to all other persons." I doubt whether the court will not take the further step, when necessary, and declare the power of the States to do the same thing after notice by publication alone. (See Huling *v.* Kaw Valley Railway Improvement Co., 130 U. S. 559, 564; Parker *v.* Overman, 18 How. 137, 140, 141 *et seq.*) But in the present case provision is made for notice to all known claimants by the recorder, who is to mail a copy of the published notice to every person named therein whose address is known (section 32). We shall state in a moment our reasons for thinking this form of notice constitutional. (See, further, Cook *v.* Allen, 2 Mass. 462, 469, 470; Dascom *v.* Davis, 5 Met. 335, 340; Brock *v.* Old Colony R.R., 146 Mass. 194, 195.)

But it is said that this is not a proceeding *in rem*. It is certain that no phrase has been more misused. In the past it has had little more significance than that the right alleged to have been violated was a right *in rem*. Austin thinks it necessary to quote Leibnitz, for the sufficiently obvious remark that every right to restitution is a right *in personam*. So as to actions. If the technical object of the suit is to establish a claim against some partic-

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ular person, with a judgment which generally, in theory at least, binds his body, or to bar some individual claim or objection, so that only certain persons are entitled to be heard in defence, the action is *in personam*, although it may concern the right to or possession of a tangible thing. (Mankin *v.* Chandler, 2 Brock. 125, 127.) If, on the other hand, the object is to bar indifferently all who might be minded to make an objection of any sort against the rights sought to be established, and if any one in the world has a right to be heard on the strength of alleging facts which, if true, show an inconsistent interest, the proceeding is *in rem*. (2 Freeman, Judgments, 4th ed. § 606, *ad fin.*) All proceedings, like all rights, are really against persons. Whether they are proceedings or rights *in rem* depends on the number of persons affected. Hence the *res* need not be personified and made a party defendant, as happens with the ship in the admiralty, it need not even be a tangible thing at all, as sufficiently appears by the case of the probate of wills. Personification and naming the *res* as defendant are merely symbols, not the essential matter. They are fictions, conveniently expressing the nature of the process and the result, — nothing more.

It is true as an historical fact that these symbols are used in admiralty proceedings, and also, again merely as an historical fact, that proceedings *in rem* have been confined to cases where certain classes of claims, although of very divers sorts, for indemnification for injury, for wages, for salvage, etc., are to be asserted. But a ship is not a person. It cannot do a wrong or make a contract. To say that a ship has committed a tort is merely a shorthand way of saying that you have decided to deal with it as if it had committed one, because some man has committed one in fact. There is no *a priori* reason why any other claim should not be enforced in the same way. If a claim for a wrong committed by a master may be enforced against all interests in the vessel, there is no juridical objection to a claim of title being enforced in the same way. The fact that it is not so enforced under existing practice affords no test of the powers of the Legislature. The contrary view would indicate that you really believed the fiction that a vessel had an independent personality as a fact behind the law. Furthermore, naming the *res* as defendant, although a convenient way of indicating that the proceeding is against property alone, — that is to say, that it is not to establish an infinite personal liability, — is not of the essence. If, in fact, the proceeding is of that sort, and is to bar all the world, it is a proceeding *in rem*.

Then as to seizure of the *res*. It is convenient in the case of a vessel, in order to secure its being on hand to abide judgment,

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although, in the case of a suit against a man, jurisdiction is regarded as established by service, without the need of keeping him in prison to await judgment. It is enough that the personal service shows that he could have been seized and imprisoned. Seizure, to be sure, is said to be notice to the owner. (Scott *v.* Sherman, 2 W. Bl. 977, 979; Mankin *v.* Chandler, 2 Brock. 125, 127.) But fastening the process or a copy to the mast would seem not necessarily to depend for its effect upon the continued custody of the vessel by the marshal. However this may be, when we come to deal with immovables, there would be no sense whatever in declaring seizure to be a constitutional condition of the power of the Legislature to make a proceeding against land a proceeding *in rem.* (Hamilton *v.* Brown, 161 U. S. 256, 274.) The land cannot escape from the jurisdiction, and, except as security against escape, seizure is a mere form, of no especial sanctity and of much possible inconvenience.

I do not wish to ignore the fact that seizure, when it means real dispossession, is another security for actual notice. But when it is considered how purely formal such an act may be, and that even adverse possession is possible without ever coming to the knowledge of a reasonably alert owner, I cannot think that the presence or absence of the form makes a constitutional difference, or rather, to express my view still more cautiously, I cannot but think that the immediate recording of the claim is entitled to equal effect from a constitutional point of view. I am free to confess, however, that, with the rest of my brethren, I think the act ought to be amended in the direction of still further precautions to secure actual notice before a decree is entered, and that, if it is not amended, the judges of the court ought to do all that is in their power to satisfy themselves that there has been no failure in this regard before they admit a title to registration.

The quotations which we have made show the intent of the statute to bind the land, and to make the proceedings adverse to all the world, even if it were not stated in section 35, or if the amendment of 1899 did not expressly provide that they should be proceedings *in rem.* (St. 1899, c. 131, § 1.) Notice is to be posted on the land, just as admiralty process is fixed to the mast. Any person claiming an interest may appear and be heard (section 34).

But perhaps the classification of the proceeding is not so important as the course of the discussion thus far might seem to imply. I have pursued that course as one which is satisfactory to my own mind; but, for the purposes of decision, a majority of the court prefer to assume that, in cases in which under the constitutional

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requirements of due process of law it heretofore has been necessary to give to parties interested actual notice of the pending proceeding, by personal service or its equivalent, in order to render a valid judgment against them, it is not in the power of the Legislature, by changing the form of the proceedings from an action *in personam* to a suit *in rem*, to avoid the necessity of giving such a notice, and to assume that, under this statute, personal rights in property are so involved, and may be so affected, that effectual notice and an opportunity to be heard should be given to all claimants who are known, or who, by reasonable effort, can be ascertained.

It hardly would be denied that the statute takes great precautions to discover outstanding claims, as we already have shown in detail, or that notice by publication is sufficient with regard to claimants outside the State. With regard to claimants living within the State and remaining undiscovered, notice by publication must suffice, of necessity. As to claimants living within the State and known, the question seems to come down to whether we can say that there is a constitutional difference between sending notice of a suit by a messenger and sending it by the post-office, beside publishing in a newspaper, recording in the registry and posting on the land. It must be remembered that there is no constitutional requirement that the summons, even in a personal action, shall be served by an officer, or that the copy served shall be officially attested. Apart from local practice, it may be served by any indifferent person. It may be served on residents by leaving a copy at the last and usual place of abode. When we are considering a proceeding of this kind, it seems to us within the power of the Legislature to say that the mail as it is managed in Massachusetts is a sufficient messenger to convey the notice, when other means of notifying the party, like publishing and posting, also are required. We agree that such an act as this is not to be upheld without anxiety. But the difference in degree between the case at bar and one in which the constitutionality of the act would be unquestionable seems to us too small to warrant a distinction. If the statute is within the power of the Legislature, it is not for us to criticise the wisdom or expediency of what the Legislature has done.

We do not think it necessary to refer to the elaborate collection of statutes presented by the Attorney-General for the purpose of showing that the principle of the present act is old.* Although no

* The Attorney General cited: Ala. Code, 1896, §§ 690, 3165. Sts. Ark. 1894, §§ 2851-2855, 2859, 5418. 3 Cal. Code, §§ 756, 757, 759, 766, cls. 1-3. Sts. Col. §§ 3350, 3351, 3358, 3753, 3759. Gen. Sts. Conn. 1888, §§ 945, 946. Rev. Sts. Fla. §§ 1493,

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question is made on that point, we may mention that an appeal is given to the superior court, with the right to claim a jury. In our opinion, the main objection to the act fails. (See Shepherd *v.* Ware, 46 Minn. 174; People *v.* Simon, 176 Ill. 165; Short *v.* Caldwell, 155 Mass. 57, 59; Loring *v.* Hildreth, 170 Mass. 328.)

The other objection to the constitutionality of the statute is with regard to the powers and duties of the recorder and assistant recorder. It is said that they are given judicial powers after the original registration, although not judicial officers under the constitution. The act of registration is the operative act to convey title (section 50), and by the act of 1898 the assistant recorder does it, unless in doubt (sections 53, 55, 57, 58, 61, 62, 63). It is said that, as his decision affects title, it must be judicial. But here again it is necessary to use a certain largeness in interpreting broad constitutional provisions. The ordinary business of registration is very nearly ministerial. There is no question to be raised, or which can be raised. If there is a question, either raised by any party in interest or occurring to the assistant recorder, it is to be referred to the judge for decision (section 53). But whatever may be thought of the original act, by amendment even the ordinary business is to be done only "in accordance with the rules and instructions of the court." (St. 1899, c. 131, § 8.) Under this amendment registration is the act of the court. The fact that it may be done by the assistant recorder under general orders when there is no question is not different from the power of the clerk to enter judgment in cases ripe for judgment under a

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1495. Ga. Code, 1895, §§ 3577, 4893, cls. 1-3; § 4976, cls. 1-8. Rev. Sts. Idaho, 1887, §§ 4561, 4564, 4565, 4574, cls. 1-3; § 4595. Sts. Ill. c. 22, §§ 7, 43; c. 41, §§ 18-20, 22-25, 27, 34, 35, 38; c. 106, §§ 7-10, 35. Rev. Sts. Ind. 1894, §§ 320, cls. 4, 5; §§ 2491, 2494. Iowa Code, 1897, §§ 3538, 4228, 4229, 4236. Rev. Sts. Maine, 1883, c. 88, § 22. Sts. Maine, 1895, c. 80, §§ 1, 3-6; c. 85, § 49. Md. Code Pub. Gen. Laws, 1888, art. 16, §§ 111-115. Sts. Mich. 1882, §§ 6744-6746, 7860, 7861, 7880, cls. 1-3. Sts. Minn. 1894, §§ 5771, 5817, 5818, 5839-5842. Miss. Code, §§ 498, 499, 518, 1703-1706, 3421, 3424. Mo. Code, 1896, §§ 395, 400, 401, 468, 1364-1368, 1737. 2 Mont. Code, 1895, §§ 1348, 1351, 1361, cls. 1-3. Comp. Sts. Neb. 1895, § 5675. Pub. Sts. N. H. c. 243, §§ 1-5, 8, 10-12. Sts. N. J. 1881, c. 176, §§ 1, 2; 1893, c. 142, §§ 1, 2. Sts. N. Y. 1890, c. 503, §§ 1-7. N. Y. Code Civil Procedure, § 438, cls. 1, 5; §§ 1541, 1582, 1979, 2518, 2523. Sts. N. C. 1887, c. 284, §§ 1-3. Sts. Ohio, §§ 5053, 6416, 6419. Gen. Sts. Oregon, 1892, §§ 426, 427, 432, cls. 1-3. 1 Brightly's Purdon's Digest, p. 606, § 185. 2 Brightly's Purdon's Digest, p. 1629, § 5; p. 1641, § 16. 3 Pepper & Lewis' Digest, p. 504, § 8; p. 507, § 12. Gen. Sts. R. I. 1896, c. 265, §§ 8, 16, 17, 24-26. Rev. Sts. S. C. 1893, §§ 2438-2440, 2444. Sts. So. Dak. 1899, §§ 6598, 6607, cl. 2; § 6696. Tenn. Code, 1896, §§ 3826, 3828, 5018-5021, 5023, 5040, cls. 1-3. Rev. Sts. Texas, 1895, arts. 1821-1830. Sts. Vt. 1894, §§ 2549-2551. Va. Code, 1887, §§ 2400-2402. Wash. Code, §§ 5066, cls. 1-3; §§ 5557, 5558, 5560, 5561. W. Va. Code, 1891, c. 42, §§ 6, 7; c. 79, §§ 1, 4; c. 124, §§ 11, 12. Sts. Wis. 1898, §§ 1197, 1208, 2612, 3102, 3116, cls. 1-3; §§ 3186, 3196. Rev. Sts. Wyo. 1887, §§ 3009, 3010.

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general order or rule of the superior court. It should be observed that by section 55 the production of the owner's duplicate certificate, whenever any voluntary instrument is presented for registration, is conclusive authority from the registered owner for the entry of a new certificate or the making of a memorandum of registration, and that a registration procured by presenting a forged certificate, etc., is void.

Finally, it is said that there is no provision for notice before registration of transfers or dealings subsequent to the original registration. It must be remembered that at all later stages no one can have a claim which does not appear on the face of the registry. The only rights are registered rights, and when land is brought into the registry system there seems to be nothing to hinder the Legislature from fixing the conditions upon which it shall be held under that system. (People *v.* Simon, 176 Ill. 165, 176.) By section 45 the obtaining of a decree of registration, which is a voluntary act, is an agreement running with the land that the land shall be and remain registered land and subject to the provisions of the act. Furthermore, in deciding whether substantial justice is done, it is to be borne in mind that ordinary cases will present no question at all. It is contemplated, as we have said, that, if there is a question to be discerned, it shall be referred to the court, and of course that the court will order notice to any party interested. The act shows throughout the intent that no one shall be concluded without having a chance to be heard; and although some of its methods are new to this Commonwealth, we cannot say that the precautions as to notice are insufficient in substance or form.

Petition denied.

A writ of error from this decision to the Supreme Court of the United States was dismissed December 17th, 1900 (see 179 U. S. 405; see also Leigh *v.* Green, 193 U. S. 79).

By chapter 448 of the Acts of 1904 the name of the court was changed to the "Land Court," and jurisdiction over writs of entry and three other proceedings therein named was transferred from the Superior Court to the Land Court (see page 74 for copy of this act).

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THE LAND COURT.

CHARLES THORNTON DAVIS of Marblehead, *Judge*; LOUIS M. CLARK of Boston, *Associate Judge*; CLARENCE C. SMITH of Newton, *Recorder*; the several Registers of Deeds, *Assistant Recorders*.

PROCEDURE AND PRACTICE.

Applications may be made for the registration of any land in the Commonwealth, and may be filed with the recorder at the land registration office in Boston, or with the register of deeds at any registry for the district where the land is situated.

The form of petition should be as provided in section 20 of the act. Blank forms may be obtained from the land registration office, and should be kept for distribution in the several registries of deeds.

It is important in paragraph 3 of the application to state all known encumbrances and adverse claimants, with their addresses, whether admitted or denied by the petitioner, and to carefully ascertain and state, with their correct addresses, the full names of all owners of land adjoining that included in the application, as called for in paragraph 7.

The application should be accompanied by any title deeds to the petitioner, and by a plan of the land made in accordance with the following directions which have been issued by the court: —

INSTRUCTIONS TO ENGINEERS AND SURVEYORS.

The land registration act necessitates an adjudication by the court as to the boundaries as well as to the ownership of the premises, and the boundaries so determined remain definite and fixed.

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Plans must therefore show all data necessary to enable the lines thereon shown to be reproduced upon the ground.

They should also contain, or be accompanied by, such data (as survey lines or field notes) from enduring monuments that the destruction of temporary monuments will not render it impracticable to enforce a decree based upon the plan.

Plans must contain the maker's name and address and date of survey, scale, the north point, areas, town and county lines, names of adjoining owners, passageways, fences and walls, buildings, boundary monuments, and any other natural monuments pertinent to the purpose.

Distances and functions of necessary angles must be shown definitely when possible.

All surveys should be ground surveys, representing actual facts. The matter of the true lines of ownership is the matter to be determined by the court after consideration of the title deeds and the ground plan; the engineer is requested, however, to indicate all the lines of ownership to the best of his knowledge.

Any convenient scale or size may be used.

Plans must be on tracing cloth.

A petitioner for registration upon filing his application is required also to deposit therewith the sum of $25, and the further sum of one-tenth of one per cent. of the assessed value of the real estate included in the application on the basis of the last assessment for municipal taxation, to be applied to the fees and expenses payable under sections 109 and 93 of the act. If any surplus remains after the case is closed and the requirements of the said sections are met, it is returned to the petitioner. If such deposit is not sufficient to meet such requirements, the balance is to be paid upon request of the recorder before any decree issues. The ultimate cost to the petitioner is $2 per each $1,000 of the assessment aforesaid, and about $25 more. After original registration, a deed transaction costs $2.50 and a mortgage transaction $1.50, regardless of any assessed value.

The petition is immediately referred to an examiner to report on the state of the title. Examiners are allowed two weeks for this work. As soon as the report is filed notice is

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sent to the petitioner. If the examiner is of opinion that the title to the land is in the petitioner and is proper for registration, or if his opinion is adverse to the petitioner and the petitioner elects in writing to proceed, a general notice of the filing of the application is issued by order of the court in the form as provided in section 30 of the act, and immediately published once each week for three successive weeks in a newspaper in the district where the land lies. The return day of this notice must be not less than twenty nor more than sixty days from the date of issue; and within seven days after the first publication the recorder sends an attested copy of the notice to each person named therein, by mail, and to all adjoining owners and adverse claimants, by registered mail. An attested copy of the notice is also posted on the land itself by a deputy sheriff, not less than fourteen days before the return day, and the petitioner is required to record a notice of filing his application in the registry of deeds where the land lies, which is indexed under his name as grantor. Such other and further notices are given and served as the court may deem the requirements of justice demand in each particular case.

On or before the return day, at ten o'clock in the forenoon, any one, whether named personally in the notice or not, may appear and answer to the petition and have his claim heard by the court at such time and place in any county as it may appoint.

If no one appears to object to the registration of the title to the land in the name of the petitioner, and the court is satisfied, from the examiner's report and all other evidence before it, that the petitioner is legally entitled to the land, or so finds after a hearing on the petition and objections thereto, a decree for confirmation and registration of the title is entered in the name of the petitioner, and a copy of the decree is sent to the assistant recorder for the district within which the land included in the decree is situated, together with a copy of a plan of the land as finally established by the court.

The assistant recorder transcribes the decree in a book called the registration book, and this entry is the "original

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certificate" which is accompanied by the plan. The registration book is at all times open to public inspection. The assistant recorder then makes an exact copy of the original certificate, putting on it the words "Owner's duplicate certificate," and delivers this to the owner.

On one side of the certificate appears the owner's name and a description of the land, and on the other side memoranda of any encumbrances stated in the decree. The certificates in each registry are numbered consecutively as issued, and are afterwards referred to as certificates filed in such registry and numbered so and so.

From the time the first certificates are issued, all dealings with the land which create any encumbrance are registered by filing in the registry the paper creating the encumbrance, accompanied by the owner's duplicate certificate. No registration of any voluntary encumbrance can be obtained without the presentation of such duplicate certificate as authority to the assistant recorder to receive and enter the same. Thereupon the paper is stamped, numbered and filed, and a memorandum of its effect posted on the back of both certificates. Discharges of all encumbrances are registered in like manner, or by signing personally in the discharge column on the back of the certificates.

In the case of registering a mortgage, if the mortgagee desires to keep the mortgage in his own possession instead of leaving it on the files of the registry, he may present the same for registration in duplicate, like a lease. The parts are then stamped, numbered and compared, and one draft called the original is placed on file and the other or duplicate original taken away by the holder of the mortgage. A certified copy of the mortgage will answer every purpose and is recommended as most convenient for all parties. In any event the mortgage title becomes absolutely registered as soon as the mortgage is duly filed in the registry, and it is a mere matter of personal preference with the mortgagee as to what more if anything he will require the mortgagor to furnish. The foreclosure of a registered mortgage is to be made in all respects as in the case of an unregistered mortgage (see section 62 of the law).

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If the encumbrance to be created is an involuntary one, such as a lien or attachment, the paper creating the same is received and registered by the assistant recorder on presentation, and a memorandum of its effect posted on the back of the original certificate in his possession. The owner is immediately notified to bring in his duplicate to be posted with a like memorandum, and compliance with this notice can be enforced by suitable process of the court. In case of any variance between the original and duplicate certificates, the original on file in the registry governs.

If a conveyance in fee is made, a deed in the usual form is drawn and executed and presented for registration with the owner's duplicate certificate. But it must contain the same description as the certificate and be signed by the same party appearing therein as owner, with proper release of wife or husband. The assistant recorder stamps and files the deed, cancels the old certificates, and makes out an original and duplicate certificate to the new owner, carrying forward to the column of encumbrances all those not simultaneously discharged on the old certificates with the filing of the deed. If a part only of the land included in a certificate is sold, the grantor may have a new certificate for his remaining land, or may have an endorsement entered on the back of his old certificate, after a subdivision plan has been furnished by the court, that it is cancelled as to lot numbered so and so on the plan, and the grantee gets another certificate for the land purchased.

In this way the exact state of the title is shown at any time by a glance at the two sides of the outstanding original certificate. The certificate is conclusive evidence of all matters stated in the same. No claim of any person in derogation of a certificate holder's rights as stated therein can be entertained in any court, unless it is alleged that such holder obtained his certificate of title by fraud, or that it is founded on a forged document or certificate.

Sample forms of the certificates of title now in use are printed on the succeeding pages, and the full text of the land registration law as now in force, with an index, to which reference must necessarily be made for details of practice and procedure.

The matters as to which jurisdiction was transferred to

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the Land Court from the Superior Court by chapter 448 of the Acts of 1904, a copy of which act appears herein on page 74, are governed by the same rules of law and practice as those heretofore prevailing in the Superior Court. Petitions can be entered on any court day; writs of entry must be entered on the first Monday of each month; and petitions are made returnable the first Monday of each month, all at the registry of deeds for the registry district of the county within which the land lies. The writ or petition, with entry fee of $3 and all pleadings, can be filed at such registry or at the land registration office in Boston, as is most convenient. There are no terms of court for this business, but a hearing can be had when the case is ripe for a hearing by agreement, or by assignment by the court on motion. Each contested case will be heard by one of the judges at the nearest county court house, or in Boston, as preferred by the parties.

It is suggested, however, in all cases where a party is seeking to establish his title in fee simple to a parcel of land, that he can obtain a much more speedy, conclusive and permanently useful decree by a petition for registration than under any one of these proceedings.

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ORIGINAL CERTIFICATE OF TITLE.

No.

Entered pursuant to a decree of the land court, dated at Boston, in the county of Suffolk and Commonwealth of Massachusetts, the day of in the year , and numbered on the files of said court.

COPY OF DECREE.

COMMONWEALTH OF MASSACHUSETTS.

LAND COURT.

In the matter of the petition of
numbered after consideration, the court doth adjudge and decree that said of
in the county of and Commonwealth of Massachusetts,
married
the owner in fee simple of that certain parcel of land situate in
in the county of and Commonwealth of Massachusetts, bounded and described as follows: —

And the court doth adjudge and decree that said land be brought under the operation and provisions of chapter 128 of the Revised Laws, and that the title of said

to said land be confirmed and registered; subject, however, to any of the encumbrances mentioned in section 38 of said chapter which may be subsisting, and subject also to

Witness, CHARLES THORNTON DAVIS, Esq., judge of the land court, at Boston, in said county of Suffolk, the
day of in the year at
o'clock and minutes in the noon.

Attest, with the seal of said court,
CLARENCE C. SMITH, *Recorder*. [SEAL.]

A true copy. Attest, with the seal of said court,
CLARENCE C. SMITH, *Recorder*. [SEAL.]

Received for transcription at registry district,
1 , at o'clock and minutes M.

A true copy. Attest, with the seal of said court,

Assistant Recorder.

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Memoranda of Encumbrances on the Land described in this Certificate.

Document Number.	Kind.	Running in Favor of —	Terms.	Date of Instrument.	Date of Registration.					Signature of Assistant Recorder.	Discharge.
					Year and Month.	D.	H.	M.	A.M. or P.M.		

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TRANSFER CERTIFICATE OF TITLE.

No.

From No. , originally registered 1,
in registration book page for the
registry district of County.

This is to certify that
of in the county of and Commonwealth of Massachusetts married
the owner
in fee simple of that certain parcel of land situate in
in the county of
and said Commonwealth, bounded and described as follows: —

And it is further certified that said land is under the operation and provisions of chapter 128 of the Revised Laws, and that the title of said

to said land is registered under said chapter, subject, however, to any of the encumbrances mentioned in section 38 of said chapter which may be subsisting, and subject also to

Witness, CHARLES THORNTON DAVIS, Esq., judge of the land court, at in said county of the
day of in the year
at o'clock and minutes in the noon.

Attest, with the seal of said court,

Assistant Recorder.

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Memoranda of Encumbrances on the Land described in this Certificate.

Document Number.	Kind.	Running in Favor of —	Terms.	Date of Instrument.	Date of Registration.					Signature of Assistant Recorder.	Discharge.
					Year and Month.	D.	H.	M.	A.M. or P.M.		

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THE REGISTRATION AND CONFIRMATION OF TITLES TO LAND.

[CHAPTER 128 OF THE REVISED LAWS, WITH ALL AMENDMENTS TO 1911.]

THE LAND COURT.

Land court.
1898, 562, § 2.
1899, 131, § 1.
1900, 354, § 1.
175 Mass. 71.
179 U. S. 405.
1904, 448, § 10.
1905, 249, § 1.
1910, 560, § 3.

SECTION 1. The land court shall be a court of record and shall have exclusive original jurisdiction of all applications for the registration of title to land and easements or rights in land held and possessed in fee simple within the commonwealth, with power to hear and determine all questions arising upon such applications, and of such other questions as may come before it under the provisions of this chapter, subject to all rights to a trial by jury and of appeal provided by law from time to time. The proceedings upon such applications shall be proceedings in rem against the land, and the decrees shall operate directly on the land and vest and establish title thereto.

The court shall hold its sittings in Boston, but may adjourn from time to time to such other places as the public convenience may require. In the county of Suffolk, the board of aldermen of the city of Boston, and in other counties, the county commissioners, shall provide suitable rooms for the sittings of said court in the same building with, or convenient to, the probate court or the registry of deeds, and shall provide all necessary books and such printed blanks and stationery for use in registration proceedings as the court may order.

The court shall have jurisdiction throughout the commonwealth, shall always be open, except on Sundays and legal holidays, and shall have a seal with which all orders, processes and papers made by or proceedings from the court and requiring a seal shall be sealed. Notices, orders and processes of said court may run into any county and be returnable as the court directs.

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The court shall from time to time make general rules and forms for procedure, conforming as nearly as may be to the practice in the probate courts. Such rules and forms, before taking effect, shall be approved by the supreme judicial court or by a justice thereof.

SECTION 2. There shall be two judges of the court, one of whom shall be appointed, commissioned and qualified as judge of land registration and the other as associate judge of land registration.

Land court, judges of. Const., c. 2, § 1, art. 9; c. 3, art. 1. 1898, 562, § 3. 1900, 354, § 1.

SECTION 3. The court may be held by one judge and simultaneous sessions may be held, either in the same county or in different counties, and shall be so arranged as to insure a prompt discharge of the business of the court.

— sessions. 1898, 562, § 4.

SECTION 4. Processes issuing from the court shall bear teste of the judge of the land court, shall be under the seal of the court and be signed by the recorder.

— citations. 1898, 562, § 5.

SECTION 5. In case of a vacancy in the office of judge of the land court, or of his interest, absence or inability to perform his duties, the associate judge shall perform them.

— associate judge of, to act, when. 1898, 562, § 6.

SECTION 6. The governor, with the advice and consent of the council, shall appoint a recorder, who shall be clerk of the court and who shall hold his office for the term of five years. He shall attend the sessions of the court and keep a docket of all causes, and shall affix the seal of the court to all processes or papers which require a seal.

— recorder of. 1898, 562, § 7.

SECTION 7. The recorder shall be under the direction of the court, shall have the custody and control of all papers and documents filed with him under the provisions of this chapter and shall carefully number and index them. Said papers and documents shall be kept in Boston in the land registration office, which shall be near the land court. The recorder may, with the sanction of the court, employ such assistants and messengers as may be necessary.

— duties and powers of recorder of. 1898, 562, § 8. 175 Mass. 71.

SECTION 8. The recorder may act in any county, and after land has been registered, he may make all memoranda affecting the title and enter and issue certificates of title as herein provided.

Recorder to act in any county. 1898, 562, § 9.

SECTION 9. The register of deeds in each district in which land has been registered shall have the same authority as the recorder to make all memo-

Register of deeds, duties of. 1898, 562, § 10.

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randa affecting the title of such land, and to enter and issue new certificates of title as herein provided, and to affix the seal of the court to such certificates and duplicate certificates of title; but in executing the provisions of this chapter, registers of deeds shall be subject to the general direction of the recorder, in order to secure uniformity throughout the commonwealth; and, in the performance of their duties under the provisions of this chapter, the official designation of registers of deeds shall be assistant recorders for their respective registry districts. In case of the death or disability of the recorder, the assistant recorder for the Suffolk district shall perform the duties of the recorder.

Oath and bond of recorder. 1898, 562, § 11.

SECTION 10. The recorder and all assistant recorders shall be sworn before the judge of land registration, and a record thereof shall be made. They shall give bond in a sum to be fixed by the court, for the faithful performance of their official duties, before entering upon the same. They may administer oaths to persons who appear before them in matters pertaining to the registration of land, if an oath is required. They shall keep accurate accounts of all money received as fees or otherwise, which shall be subject to examination by the controller of county accounts, in the same manner as accounts of registers of deeds, and they shall, except as provided in section twelve, pay over such money quarterly to the treasurer and receiver general. In case of the absence of an assistant recorder, the assistant register for the district, or if there is no assistant register, the person acting as clerk in the office of the register of deeds, shall perform the duties of the assistant recorder, and the assistant recorder shall be responsible for him.

Examiners of title. 1898, 562, § 12.

SECTION 11. The judge of the land court may appoint one or more examiners of title in each county, who shall be attorneys at law and who shall be subject to removal by the supreme judicial court.

Salaries and expenses of judge, etc. 1898, 562, § 13. 1900, 354, § 2. 1904, 386.

SECTION 12. The salary of the judge of the land court shall be forty-five hundred dollars a year and the salary of the associate judge of the land court shall be forty-five hundred dollars a year. The salaries of the recorder, assistant recorders, examiners of titles and all assistants and messengers shall be fixed by the governor and council. All salaries and

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expenses of the court shall be paid by the commonwealth, except the salaries of the assistant recorders and the expenses incurred by them under the provisions of this chapter, which shall be paid by the respective counties. All fees collected by the assistant recorders, except those received upon the filing of applications, which shall be transmitted with the applications to the recorder, shall be paid to their respective counties.

Appeals to superior court.
1898, 562, § 14.
1899, 131, § 2.
1902, 458, § 1.
175 Mass. 68.
1905, 288.
1910, 560, § 1.

SECTION 13. Except as hereafter provided, all causes in the land court shall be tried and all questions of fact finally determined by the court, unless a respondent with his answer, or a petitioner within ten days after the time limited by law for filing an appearance and answer, or within ten days after the time allowed by the court for filing an answer, claims a trial by jury. If trial by jury is claimed, issues therefor upon any material question of fact shall, upon motion of either party, be framed in the land court, and within thirty days after the expiration of the time for claiming a trial by jury, except as hereinafter provided, copies thereof and of all other material papers in the case, certified by the recorder, shall be entered by the moving party in the superior court for the county in which the land lies for a jury trial thereon. Failure so to enter such copies of the issues, or the issues on appeal as hereinafter provided, shall constitute a waiver of the claim to a trial by jury, and thereafter the superior court shall have no further jurisdiction of the case. Upon the motion of either party in the superior court the cause shall be advanced for speedy hearing, but no matters shall be tried in the superior court except those specified in the issues. At any time before the expiration of thirty days from the entry of a decree in a case, any party aggrieved by such decree who files an affidavit in court that he has not received notice of the proceedings by registered mail and that any signature of his appearing on any receipt for registered mail filed with the papers in the case is neither his signature nor signed by one having authority so to do, and that in no other way did he receive actual notice, or have knowledge, of the pendency of the proceedings within the said time allowed for filing an appearance and answer, may appeal from said decree for a jury trial on any question of fact. Within said thirty days after such decree, issues shall be framed in the land court and the case en-

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tered in the superior court for trial as hereinbefore provided. Questions of law arising in the superior court may be taken to the supreme judicial court for revision by any party aggrieved by any opinion, ruling, direction or judgment of the court, in the same manner as in proceedings at law in said court. Questions of law arising in the land court on any decision or decree may be taken by any party aggrieved directly to the supreme judicial court for revision in the same manner in which questions of law are taken to that court from the superior court. The land court, after any decision or decree dependent upon questions of law, may report such decision or decree, with so much of the case as is necessary for understanding such questions of law, for the determination of the supreme judicial court.

Certification of decision of appellate court. 1898, 562, § 15. 1899, 131, § 3.

SECTION 14. The clerk of the supreme judicial court or of the superior court shall, upon the determination of proceedings pending thereon, certify to the land court the final decision, and the land court shall enter the final decree in the cause, in accordance with the certificate.

Failure to prosecute appeal. 1898, 562, § 16.

SECTION 15. If the appellant does not duly prosecute his appeal within the time limited, the original order, decision or decree shall stand as if no appeal had been taken.

Enforcement of decrees. 1898, 562, § 17.

SECTION 16. The land court may enforce its orders or decrees in all matters over which it has jurisdiction in the same manner as decrees are enforced in equity and, upon the request of the judge of land registration, the sheriff of any county shall assign a deputy to attend the sittings of the court in that county.

Costs. 1898, 562, § 18.

SECTION 17. Costs shall be taxed and the collection enforced as in the superior court sitting in equity, unless a different provision is made.

ORIGINAL REGISTRATION.

Application for registration. 1898, 562, § 19. 1900, 354, § 3. 1905, 249, § 1.

SECTION 18. Application for registration of title may be made by the following persons: —

First, The person or persons who claim, singly or collectively, to own the legal estate or easements or rights in land held and possessed in fee simple.

Second, The person or persons who claim, singly or collectively, to have the power of appointing or disposing of the legal estate or easements or rights in land held and possessed in fee simple.

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Third, Infants and other persons under disability, by their legally appointed guardians; but the person in whose behalf the application is made shall be named as applicant.

Fourth, Corporations, by any officer duly authorized by a vote of the directors.

One or more tenants for a term of years, which is regarded as a fee simple in section one of chapter one hundred and twenty-nine, shall not make application except jointly with those who claim the reversionary interest which makes up the fee simple at common law; nor shall a mortgagor, except as hereinafter provided, make application without the consent in writing of the mortgagee; nor shall a married woman make application without the consent in writing of her husband, unless she holds the land as her separate property or has a power to appoint the land in fee simple, or is living apart from her husband for a justifiable cause which has been established by a decree of court; nor shall one or more tenants who claim undivided shares less than a fee simple in the whole land described in the application make application for registration. If the holder of a mortgage does not consent to the making of the application, it may be entered nevertheless, and the title registered, subject to the mortgage, which may be dealt with or foreclosed as if the land subject to it had not been registered. The decree of registration in such case shall describe the mortgage, and shall state that it has not been registered and that registration is made subject to it, and shall provide that no subsequent certificate shall be issued and no further papers registered relative to such land after a foreclosure of such mortgage.

Record of memorandum of application. 1898, 562, § 20. 1899, 131, § 4.

SECTION 19. The application may be filed with the recorder, or with the assistant recorder at the registry of deeds for the district in which the land, or any portion thereof, lies. Upon filing his application, the applicant shall forthwith cause to be filed in the registry of deeds for the said district or districts a memorandum stating that application for registration has been filed, the date and place of filing and a copy of the description of the land contained in the application. Such memorandum shall be recorded and indexed by the register with the records of deeds. Each assistant recorder shall also keep an index of all applications in his district, and in every

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case in which the application is filed with him shall transmit the application, the papers and plans filed therewith and such memorandum, when recorded, to the recorder.

Form and contents of application. 1898, 562, § 21.

SECTION 20. The application shall be in writing, signed and sworn to by the applicant or by a person duly authorized in his behalf. If there is more than one applicant, the application shall be signed and sworn to by or in behalf of each. It shall contain a description of the land, and shall state whether the applicant is married; and if married, the name of the wife or husband; and if unmarried, whether he or she has been married, and if so, when and how the marriage relation terminated; and if by divorce, when, where and by what court the divorce was granted. It shall also state the name in full and the address of the applicant, and the names and addresses of the adjoining owners and occupants, if known; and if not known, it shall state what search has been made to find them. It may be in form as follows:

COMMONWEALTH OF MASSACHUSETTS.

To the Honorable the Judge of the Land Court.

I (or we) the undersigned, hereby apply to have the land hereinafter described brought under the operation and provisions of chapter one hundred and twenty-eight of the Revised Laws relative to the registration and confirmation of titles to land, and to have my (or our) title therein registered and confirmed. And I (or we) declare: (1) That I am (or we are) the owner (or owners) in fee simple of a certain parcel of land with the buildings (if any, and if not, strike out the clause), situate in (here insert accurate description). (2) That said land at the last assessment for taxation was assessed at dollars; and the buildings (if any) at dollars. (3) That I (or we) do not know of any mortgage or encumbrance affecting said land, or that any other person has any estate or interest therein, legal or equitable, in possession, remainder, reversion or expectancy. (If any, add "other than as follows," and set forth each clearly.) (4) That I (or we) obtained title (if by deed, state name of grantor, date and place of record, and file the deed or state reason for not filing. If in any other way, state it). (5) That said land is occupied. (If occupied state name in full, residence and post office address of occupant and the nature of his occupancy. If unoccupied, insert "not".) (6) That the names in full and addresses as far as known to me (or us) of the occupants of all lands adjoining said land are as follows: (Give street and number if possible. If names not known, state whether inquiry has been made, and what inquiry.) (7) That the names and addresses so far as known to me (or us) of the owners of all lands adjoining the above land are as follows: (Same directions as above.) (8) That I am (or we are)

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married. (Follow literally the directions given in section twenty of chapter one hundred and twenty-eight of the Revised Laws.) (9) That my (or our) full name (or names), residence and post office address is (or are) as follows:

Dated this day of in the year nineteen hundred and

(Schedule of documents.) (Signature.)

COMMONWEALTH OF MASSACHUSETTS.

ss. 19 .

Then personally appeared the above named , known to me to be the signer (or signers) of the foregoing application, and made oath that the statements made therein, so far as made of his (or their) own knowledge are true, and so far as made upon information and belief, that he (or they) believe them to be true, before me,

Justice of the Peace.

Agent for non-resident. 1898, 562, § 22.

SECTION 21. If the applicant is not a resident of the commonwealth, he shall file with his application a paper appointing an agent residing in the commonwealth, giving his name in full and post office address, and shall therein agree that the service of any legal process in proceedings under or growing out of the application shall be of the same legal effect if made on said agent as if made on the applicant within the commonwealth. If the agent dies, or removes from the commonwealth, the applicant shall forthwith make another appointment; and if he fails so to do, the court may dismiss the application.

Amendments to application. 1898, 562, § 23.

SECTION 22. Amendments to the application, including joinder, substitution, or discontinuance as to parties, shall be allowed by the court at any time upon terms that are just and reasonable; but all amendments shall be in writing, signed and sworn to, like the original.

Application may include several parcels. 1898, 562, § 24. 1899, 131, § 5.

SECTION 23. An application may include two or more contiguous parcels of land, or two or more parcels which constitute one holding under one and the same title, within the same registry district. But two or more persons who claim in the same parcels different interests which collectively make up the legal estate in fee simple in each parcel, shall not join in one application for more than one parcel unless their interests are alike in each and every parcel. The court may at any time order an application to be amended by striking out one or more of the parcels, or by a severance of the application.

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Application, as to land bounding on way. 1898, 562, § 25.

SECTION 24. If the application describes the land as bounded on a public or private way, it shall state whether or not the applicant claims any and what land within the limits of the way, and whether the applicant desires to have the line of the way determined.

Filing, plans and muniments. 1898, 562, § 26.

SECTION 25. The applicant shall file with the application a plan of the land, and all original muniments of title within his control which are mentioned in the schedule of documents. Such original muniments as affect land not included in the application may be withdrawn upon filing certified copies thereof. If an application is dismissed or discontinued, the applicant may, with the consent of the court, withdraw such original muniments of title.

Application subject to mortgage or lease. 1898, 562, § 27. 1900, 354, § 4.

SECTION 26. If an application is made subject to an existing recorded mortgage, the holder of which has consented thereto, or subject to a recorded lease for a term exceeding seven years, or if the registration is to be made subject to such a mortgage or lease executed after the time of the application and before the date of the transcription of the decree, the applicant, before a decree of registration is entered, shall, if required by the court, file a certified copy of such mortgage or lease, and shall cause the original, or, in the discretion of the court, a certified copy thereof, to be presented for registration; and no registration fee shall be charged for registering such original mortgage or lease or such certified copy.

Additional facts. 1898, 562, § 28.

SECTION 27. The court may by general rule require additional facts to be stated in the application and may require the filing of additional papers.

Record of transfers pending application, etc. 1898, 562, § 29.

SECTION 28. After the filing of an application, and before registration, the land therein described may be dealt with, and instruments relating thereto shall be recorded in the same manner, as if no such application had been filed; but all instruments left for record which relate to such land shall be indexed in the usual manner in the registry indexes and in the index of applications. As soon as an application is disposed of, the recorder shall make a memorandum stating the disposition of the case, and shall send the same to the register of deeds for the proper district or districts, who shall record and index it with the records of deeds and in the index of applications. If a decree of registration of title is entered the land included in the decree shall, when the

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decree is transcribed as provided in section forty, become registered land, and thereafter no deeds or other instruments which relate solely to such land shall be recorded with the records of deeds, but shall be registered in the registration book and filed and indexed with the records and documents relating to registered land.

Reference to examiner. 1898, 562, § 30.

SECTION 29. Immediately after the filing of an application, the court shall enter an order referring it to one of the examiners of title, who shall search the records and investigate all facts stated in the application, or otherwise brought to his notice, and shall file in the case a report thereon, concluding with a certificate of his opinion upon the title. The recorder shall give notice to the applicant of the filing of such report. If the opinion of the examiner is adverse to the applicant, he shall be allowed by the court a reasonable time in which to elect to proceed further or to withdraw his application. The election shall be made in writing and filed with the recorder.

Publication of notice of application. 1898, 562, § 31. 175 Mass. 71. 179 U. S. 405.

SECTION 30. If, in the opinion of the examiner, the applicant has a good title as alleged, and proper for registration, or, if the applicant after an adverse opinion of the examiner, elects to proceed further, the recorder shall, immediately upon the filing of the examiner's opinion, or upon the filing of the applicant's election, as the case may be, cause notice of the filing of the application to be published in a newspaper published in the district in which any portion of the land lies. The notice shall be issued by the order of the court, attested by the recorder, and shall be in form substantially as follows: —

REGISTRATION OF TITLE.

SUFFOLK, SS. LAND COURT.

To (here insert the names of all persons known to have an adverse interest, and the adjoining owners and occupants, so far as known), and to all whom it may concern:

WHEREAS an application has been presented to said court by (name or names and address in full) to register and confirm his (or their) title in the following described land (insert description).

You are hereby cited to appear at the land court to be held at , in said county of , on the day of A.D., , at o'clock in the forenoon, to show cause, if any you have, why the prayer of said application should not be granted. And unless you appear at said court at the time and place aforesaid your default will be recorded, and the said application will be taken as confessed,

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and you will be forever barred from contesting said application or any decree entered thereon.

WITNESS Esquire, judge of said court, this day of in the year nineteen hundred and .

Attest:

Recorder.

Return day of notice.
1898, 562, § 32.
1900, 354, § 5.

SECTION 31. The return day of said notice shall be not less than twenty nor more than sixty days after the date of issue. The court shall also, within seven days after publication of said notice in a newspaper, cause a copy thereof to be sent by the recorder by mailing a registered letter to every person named therein whose address is known. The court shall also cause a duly attested copy of the notice to be posted in a conspicuous place on each parcel of land included in the application, by a sheriff or deputy sheriff, fourteen days at least before the return day thereof, and his return shall be conclusive proof of such service. If the applicant requests to have the line of a public way determined, the court shall order notice to be given by the recorder, by mailing a registered letter to the mayor of the city or to one of the selectmen of the town or towns in which the land lies, or, if the way is a highway, to one of the county commissioners of the county or counties in which the land lies. If the land borders on a river, navigable stream or shore, or on an arm of the sea where a river or harbor line has been established, or on a great pond, or if it otherwise appears from the application or the proceedings that the commonwealth may have a claim adverse to that of the applicant, notice shall be given in the same manner to the attorney general. The court may also cause other or further notice of the application to be given. The court shall, so far as it considers it possible, require proof of actual notice to all adjoining owners and to all persons who appear to have any interest in or claim to the land included in the application. Notice to such person by mail shall be by registered letter. The certificate of the recorder that he has served the notice as directed by the court, by publishing or mailing, shall be filed in the case before the return day, and shall be conclusive proof of such service.

Guardian ad litem.
1898, 562, § 33.
1899, 131, § 6.
1906, 452, § 1.

SECTION 32. Upon the return of the notice, and upon proof of service of all orders of notice issued, the court may appoint a disinterested person to act as guardian ad litem for minors, and for persons

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under disability, and for all persons not in being, unascertained, unknown or out of the commonwealth, who may have an interest. The compensation of the guardian shall be determined by the court and paid as part of the expenses of the court.

Answer to application. 1898, 562, § 34.

SECTION 33. Any person who claims an interest, whether named in the notice or not, may appear and file an answer on or before the return day, or within such further time as the court may allow. The answer shall state all objections to the application, shall set forth the interest claimed by the person who files it, and shall be signed and sworn to by him or by a person in his behalf.

Order of general default; effect. 1898, 562, § 35. 175 Mass. 71.

SECTION 34. If no person appears and answers within the time allowed, the court may at once upon motion of the applicant, no reason to the contrary appearing, order a general default to be recorded and the application to be taken for confessed. By the description in the notice, "to all whom it may concern", all the world are made parties defendant and shall be concluded by the default and order. After such default and order, the court may enter a decree confirming the title of the applicant and ordering registration thereof. The court shall not be bound by the report of the examiner of title, but may require other or further proof.

Hearing; reference to master. 1898, 562, § 36. 1905, 195.

SECTION 35. If, in any case, an appearance is entered and answer filed, the cause shall be set down for hearing on the motion of either party, but a default and order shall first be entered against all persons who do not appear and answer, in the manner provided in the preceding section. The court may refer the cause or any part thereof to one of the examiners of title, as master, to hear the parties and their evidence, and make report thereof to the court. His report shall have the same effect as that of a master appointed by the superior court in equity, and he shall proceed according to the rules of said court applicable to masters, except as the same may be modified by the rules of the land court. The court may, in any case before decree, require a survey to be made for the purpose of determining boundaries, and may order durable bounds to be set, and referred to in the application, by amendment. The expense of survey and bounds shall be taxed in the costs of the case and may be apportioned among the parties as justice may require. If no per-

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sons appear to oppose the application, such expense shall be borne by the applicant.

Dismissal, etc. of application. 1898, 562, § 37. 1910, 245.

SECTION 36. If the court finds that the applicant has not title proper for registration, a decree shall be entered dismissing the application, and such decree may be ordered to be without prejudice, in whole or in part, but unless it is so ordered it shall bind the parties, their privies and the land in respect of any issue of fact which has been tried and determined. The applicant may withdraw his application at any time before final decree, upon terms to be determined by the court. The court may in its discretion require an applicant, who moves to withdraw his application or to substitute some other person as applicant, to stipulate that he shall be bound by the result of any issue of fact which has been tried and determined, and such stipulation shall bind the parties, their privies and the land itself.

Decree of confirmation and registration. 1898, 562, § 38. 175 Mass. 71. 179 U. S. 405. 1910, 560, § 4.

SECTION 37. If the court after a hearing finds that the applicant has title as stated in his application, and proper for registration, a decree of confirmation and registration shall be entered, which shall bind the land and quiet the title thereto, subject only to the exceptions stated in the following section. It shall be conclusive upon and against all persons, including the commonwealth, whether mentioned by name in the application, notice or citation, or included in the general description "to all whom it may concern." Such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding at law or in equity for reversing judgments or decrees; subject however to the right of any person deprived of land or of any estate or interest therein by a decree of registration obtained by fraud to file a petition for review within one year after the entry of the decree, provided no innocent purchaser for value has acquired an interest. If there is any such purchaser, the decree of registration shall not be opened but shall remain in force and effect forever, subject only to the right of appeal as provided by law from time to time. But any person who is aggrieved by such decree in any case may pursue his remedy by action of tort against the applicant or against any other person for fraud in procuring the decree.

Tenure of holder of certificate of title. 1898, 562, § 39. 1899, 131, § 7.

SECTION 38. Every applicant who receives a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land

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who takes a certificate of title for value and in good faith, shall hold the same free from all encumbrances except those noted on the certificate, and any of the following encumbrances which may be existing:

First, Liens, claims or rights arising or existing under the laws or constitution of the United States which the statutes of this commonwealth cannot require to appear of record in the registry.

Second, Taxes, within two years after they have been committed to the collector.

Third, Any highway, town way, or any private way laid out under the provisions of section sixty-five of chapter forty-eight if the certificate of title does not state that the boundary of such way has been determined.

Fourth, Any lease for a term not exceeding seven years.

Fifth, Any liability to assessment for betterments, or other statutory liability which may attach to land in this commonwealth as a lien prior to, or independent of, the recording or registering of any paper; but if there are easements or other rights appurtenant to a parcel of registered land which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass with the land until cut off or extinguished by the registration of the servient estate, or in any other manner.

Contents of decree. 1898, 562, § 40.

SECTION 39. Every decree of registration shall bear date of the year, month, day, hour and minute of its entry and shall be signed by the recorder. It shall state whether the owner of the land registered is married or unmarried, and if married, the name of the husband or wife. If such owner is under disability it shall state the nature of the disability, and if a minor, shall state his age. It shall contain a description of the land as finally determined by the court, shall set forth the estate of the owner and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments and other encumbrances, including rights of husband or wife, if any, to which the land or the owner's estate is subject, and may contain any other matter properly to be determined in pursuance of this chapter. The decree shall be stated in a form convenient for transcription upon the certificates of title hereinafter mentioned.

Transcription of decree in registry.

SECTION 40. Immediately upon the entry of the decree of registration, the recorder shall send a certi-

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1898, 562, § 41.

fied copy thereof, under the seal of the court, to the register of deeds for the district or districts in which the land lies, and the register, as assistant recorder, shall transcribe the decree in a book to be called the registration book, in which a leaf or leaves in consecutive order shall be devoted exclusively to each title, and note therein the day, hour and minute when said decree is transcribed. The entry made by the assistant recorder in this book in each case shall be the original certificate of title, and shall be signed by him and sealed with the seal of the court. All certificates of title shall be numbered consecutively, beginning with number one. The assistant recorder shall in each case make an exact duplicate of the original certificate, including the seal, but putting on it the words "Owner's duplicate certificate", and deliver it to the owner or to his duly authorized attorney. In case of a variance between the owner's duplicate certificate and the original certificate, the original shall prevail. The certified copy of the decree of registration shall be filed and numbered by the assistant recorder, with a reference noted on it to the place of record of the original certificate of title. If an application includes land lying in more than one district the court shall cause the part lying in each district to be described separately by metes and bounds in the decree of registration, the recorder shall send to the assistant recorder for each registry district a copy of the decree containing a description of the land within that district, the assistant recorder shall register the same and issue an owner's duplicate therefor, and thereafter, for all matters pertaining to registration, the portion in each district shall be treated as a separate parcel of land.

Transcription, certificate effective from date of.
1898, 562, § 42.

SECTION 41. The certificate first registered in pursuance of a decree of registration in regard to any parcel of land shall, in the registration book, be entitled "Original certificate of title, entered pursuant to decree of the land court, dated at" (stating time and place of entry of decree and the number of the case). The certificate shall take effect from the date of the transcription of the decree. Subsequent certificates relating to the same land shall be in like form, but shall be entitled "Transfer from No. " (the number of the last previous certificate relating to the same land), and also the words "Originally registered" (date, volume and page of registration).

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SECTION 42. If two or more persons are registered owners as tenants in common, or otherwise, one owner's duplicate certificate may be issued for the whole land or a separate duplicate may be issued to each for his undivided share.

Duplicate certificate of estates in common. 1898, 562, § 43.

SECTION 43. A registered owner who holds one duplicate certificate for several distinct parcels of land may surrender it, with the approval of the court, and take out several certificates for portions thereof, or if he holds separate duplicate certificates for several distinct parcels, he may surrender them and, with like approval, take out a single duplicate certificate for the whole land, or several certificates for different portions thereof. An owner who subdivides a tract of registered land into lots shall file with the recorder a plan thereof, when applying for a new certificate or certificates, and the court, before issuing the same, shall cause the plan to be verified, and require that all boundaries, streets and passageways shall be distinctly and accurately delineated thereon.

Surrender of certificate, issue of substitute. 1898, 562, § 44.

SECTION 44. The obtaining of a decree of registration and the entry of a certificate of title shall be regarded as an agreement running with the land and binding upon the applicant and all his successors in title that the land shall be and forever remain registered land and subject to the provisions of this chapter and of all acts in amendment hereof.

Certificate an agreement running with land. 1898, 562, § 45.

SECTION 45. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession.

Prescription, etc., effect of. 1898, 562, § 46.

SECTION 46. The original certificate in the registration book, any copy thereof duly certified under the signature of the recorder or an assistant recorder and the seal of the court, and also the owner's duplicate certificate, shall be received as evidence in all the courts of the commonwealth, and shall be conclusive as to all matters contained therein, except so far as otherwise provided in this chapter.

Evidence, what to be. 1898, 562, § 47.

SECTION 47. Every certificate of title shall set forth the names of all the persons whose estates make up the estate in fee simple in the whole land, and duplicate certificates may be issued to each person, but the recorder or assistant recorder shall note in the registration book and on each duplicate, to whom such duplicate was issued.

Contents of certificate. 1898, 562, § 48.

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Indexes, record books, etc. 1898, 562, § 49.

SECTION 48. The recorder, under the direction of the court, shall make and keep indexes of all applications and of all decrees of registration, and shall also index and classify all papers and instruments filed in his office which relate to applications and to registered titles. The recorder shall also, under the direction of the court, cause forms of indexes and registration and entry books to be prepared for the use of the assistant recorders. The court shall prepare and adopt convenient forms of certificates of title and shall also adopt general forms of memoranda to be used by the assistant recorders in registering the common forms of conveyance and other instruments to express briefly their effect.

VOLUNTARY DEALING WITH LAND AFTER ORIGINAL REGISTRATION.

Owner of registered land may convey, etc. 1898, 562, § 50.

SECTION 49. An owner of registered land may convey, mortgage, lease, charge or otherwise deal with it as fully as if it had not been registered. He may use forms of deeds, mortgages, leases or other voluntary instruments like those now in use and which are sufficient in law for the purpose intended. But no deed, mortgage or other voluntary instrument, except a will and a lease for a term not exceeding seven years, which purports to convey or affect registered land, shall take effect as a conveyance or bind the land, but shall operate only as a contract between the parties, and as evidence of authority to the recorder or assistant recorder to make registration. The act of registration only shall be the operative act to convey or affect the land and in all cases the registration shall be made in the office of the assistant recorder for the district or districts in which the land lies.

Notice of encumbrances. 1898, 562, § 51.

SECTION 50. Every conveyance, lien, attachment, order, decree, instrument or entry affecting registered land, which would under other provisions of law, if recorded, filed or entered in the registry of deeds, affect the land to which it relates, shall, if registered, filed or entered in the office of the assistant recorder of the district in which the land to which such instrument relates lies, be notice to all persons from the time of such registering, filing or entering.

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SECTION 51. No new certificate shall be entered or issued upon any transfer of registered land which does not divest the title in fee simple from the owner or some one of the registered owners. All interests in registered land less than an estate in fee simple shall be registered by filing with an assistant recorder the instrument which creates or transfers or claims such interest and by a brief memorandum thereof made by an assistant recorder upon the certificate of title, and signed by him. A similar memorandum shall also be made on the owner's duplicate. The cancellation or extinguishment of such interests shall be registered in the same manner.

Estate less than fee simple, how registered. 1898, 562, § 52.

SECTION 52. If the assistant recorder is in doubt upon any question, or if any party in interest does not agree as to the proper memorandum to be made in pursuance of any deed, mortgage or other voluntary instrument presented for registration, the question shall be referred to the court for decision, either on the certificate of the assistant recorder stating the question upon which he is in doubt, or upon the suggestion in writing of any party in interest; and the court, after notice to all parties and a hearing, shall enter an order prescribing the form of memorandum to the assistant recorder, who shall make registration in accordance therewith.

Reference of doubtful questions. 1898, 562, § 53.

SECTION 53. Every deed or other voluntary instrument which is presented for registration shall contain or have indorsed upon it the full name, residence and post office address of the grantee or other person who acquires or claims an interest under such instrument, and every deed shall also state whether the grantee is married or unmarried, and if married, the name in full of the husband or wife. Any change in the residence or post office address of such person shall be indorsed by an assistant recorder on the original instrument, upon receiving a sworn statement of such change. All names and addresses shall also be entered on all certificates. Notices and processes issued in relation to registered land may be served upon any person in interest by mailing them to the address so given, and shall be binding, whether he resides within or without the commonwealth.

Grantee's residence, etc., to be stated. 1898, 562, § 54.

SECTION 54. No new certificate of title shall be entered, and no memorandum shall be made upon

Presentation of owner's duplicate on entry

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of new certificate, etc. 1898, 562, § 55.

any certificate of title by the recorder or any assistant recorder, in pursuance of any deed or other voluntary instrument, unless the owner's duplicate certificate is presented with such instrument, except in cases expressly provided for in this chapter or upon the order of the court, for cause shown, and whenever such order is made, a memorandum thereof shall be entered on the new certificate of title and on the owner's duplicate. The production of the owner's duplicate certificate, whenever a voluntary instrument is presented for registration, shall be conclusive authority from the registered owner to the recorder or an assistant recorder to enter a new certificate or to make a memorandum of registration in accordance with such instrument, and the new certificate or memorandum shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchaser for value and in good faith. In all cases of registration which are procured by fraud, the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice however to the rights of any innocent holder for value of a certificate of title. After the transcription of the decree of registration on the original application, any subsequent registration which is procured by the presentation of a forged duplicate certificate, or of a forged deed or other instrument, shall be null and void. In case of the loss or theft of an owner's duplicate certificate, notice shall be sent by the owner or by a person in his behalf to the assistant recorder for the district in which the land lies, as soon as the loss or theft is discovered.

Entry book. Duplicates and certified copies. 1898, 562, § 56.

SECTION 55. Each assistant recorder shall keep an entry book in which he shall enter, in the order of their reception, all deeds and other voluntary instruments, and all copies of writs or other processes filed with him which relate to registered land. He shall note in such book the year, month, day, hour and minute of reception of all instruments, in the order in which they are received. They shall be regarded as registered from the time they are so noted, and the memorandum of each instrument, when made on the certificate of title to which it refers, shall bear the same date.

Every deed or other instrument, voluntary or involuntary, which is so filed with the recorder or

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assistant recorder, shall be numbered and indexed, and indorsed with a reference to the proper certificate of title. All records and papers relative to registered land in the office of the recorder or of an assistant recorder shall be open to the public in the same manner as probate records, subject to such reasonable regulations as the recorder, under the direction of the court, may make.

Duplicates of all deeds and voluntary instruments which are filed and registered may be presented with the originals, shall be attested and sealed by the recorder or an assistant recorder, indorsed with the file number and other memoranda on the originals and may be taken away by the person who presents them.

Certified copies of all instruments which are filed and registered may also be obtained at any time, upon payment of the assistant recorder's fees.

CONVEYANCE IN FEE.

Conveyance in fee of registered lands. 1898, 562, § 57. 1899, 131, § 8.

SECTION 56. An owner who desires to convey his registered land or any portion thereof in fee shall execute a deed of conveyance, which the grantor or the grantee may present to the assistant recorder in the district in which the land lies. The grantor's duplicate certificate shall be produced and presented at the same time. The assistant recorder shall thereupon, in accordance with the rules and instructions of the court, make out in the registration book a new certificate of title to the grantee, and shall prepare and deliver to him an owner's duplicate certificate. The assistant recorder shall note upon the original and duplicate certificates the date of transfer, the volume and page of the registration book in which the new certificate is registered and a reference by number to the last preceding certificate. The grantor's duplicate certificate shall be surrendered and the word "cancelled" shall be stamped upon it. The original certificate shall also be stamped "cancelled". The deed of conveyance shall be filed and indorsed with the number and place of registration of the certificate of title of the land conveyed.

Deed of portion of registered fee. 1898, 562, § 58. 1900, 354, § 6.

SECTION 57. If a deed in fee is for a part only of the land described in a certificate of title, the assistant recorder shall also, in accordance with the rules and instructions of the court, enter a new certificate and issue an owner's duplicate to the grantor

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for the part of the land which is not included in the deed. In every case of transfer, the new certificate or certificates shall include all the land described in the original and surrendered certificates; but no new certificate to a grantee of a part only of the land shall be invalid by reason of the failure of the assistant recorder to enter a new certificate to the grantor for the remaining unconveyed portion. If the land which is described in a certificate of title is divided into lots, designated by numbers or letters, with measurements of all the bounds, and a plan of said land has been filed with the recorder and verified pursuant to the provisions of section forty-three, and a certified copy thereof is recorded in the registration book with the original certificate when the registered owner makes a deed of transfer in fee of one or more of such lots, the assistant recorder may, instead of cancelling such certificate and entering a new certificate to the grantor for the part of the land not included in the deed of transfer, enter on the original certificate and on the owner's duplicate certificate a memorandum of such deed of transfer, with a reference to the lot or lots thereby conveyed, as designated on said plan, and that the certificate is cancelled as to such lot or lots. Every certificate with such memorandum shall be as effectual for the purpose of showing the grantor's title to the remainder of the land not conveyed as if the old certificate had been cancelled and a new certificate of such land had been entered; and such process may be repeated so long as there is convenient space upon the original certificate and the owner's duplicate certificate for making such memorandum of sale of lots.

Statement of encumbrances. 1898, 562, § 59.

SECTION 58. If, at the time of any transfer, encumbrances or claims adverse to the title of the registered owner appear upon the registration book, they shall be stated in the new certificate or certificates, except so far as they may be simultaneously released or discharged.

MORTGAGES.

Mortgage of registered land. 1898, 562, § 60.

SECTION 59. The owner of registered land may mortgage it by executing a mortgage deed. Such deed may be assigned, extended, discharged, released in whole or in part, or otherwise dealt with by the mortgagee by any form of deed or instrument which

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is sufficient in law for the purpose. But such mortgage deed, and all instruments which assign, extend, discharge and otherwise deal with the mortgage, shall be registered, and shall take effect upon the title only from the time of registration.

Registration of a mortgage. 1898, 562, § 61.

SECTION 60. Registration of a mortgage shall be made in the following manner: — The owner's duplicate certificate shall be presented to the assistant recorder with the mortgage deed, and he shall enter upon the original certificate of title and also upon the owner's duplicate certificate a memorandum of the purport of the mortgage deed, the time of filing and the file number of the deed, and shall sign the memorandum. He shall also note upon the mortgage deed the time of filing and a reference to the volume and page of the registration book in which it is registered. The assistant recorder shall also, at the request of the mortgagee, make out and deliver to him a duplicate of the certificate of title like the owner's duplicate, except that the words "Mortgagee's duplicate" shall be stamped upon it in large letters diagonally across its face. A memorandum of the issue of the mortgagee's duplicate shall be made upon the original certificate of title.

Assignment, etc., of mortgage. 1898, 562, § 62.

SECTION 61. If a mortgage upon which a mortgagee's duplicate has been issued is assigned, extended or otherwise dealt with, the mortgagee's duplicate shall be presented with the instrument which assigns, extends or otherwise deals with the mortgage, and a memorandum of the instrument shall be made upon the mortgagee's duplicate certificate. When the mortgage is discharged or otherwise extinguished the mortgagee's duplicate certificate shall be surrendered and stamped "cancelled". The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented, subject however to all the provisions and exceptions contained in section fifty-five so far as they are applicable.

A mortgage on registered land may be discharged by the mortgagee in person on the registration book in the same manner as a mortgage on unregistered land may be discharged by an entry on the record book in the registry of deeds, and such discharge shall be attested by an assistant recorder.

Foreclosure of mortgages. 1898, 562, § 63. 1905, 296, § 1.

SECTION 62. Mortgages of registered land may be foreclosed like mortgages of unregistered land;

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but in case of foreclosure by entry and possession, the certificate of entry required by section two of chapter one hundred and eighty-seven shall be filed and registered by an assistant recorder within thirty days after the entry, in lieu of recording. After possession has been obtained by the mortgagee or his assigns, by entry or by action, and has continued for the time required by law to complete the foreclosure, he or his assigns may petition the court of land registration for the entry of a new certificate, and the court, after notice to all parties in interest, shall have jurisdiction to hear the cause, and may order the entry of a new certificate on such terms as equity and justice may require.

In case of foreclosure by action as provided in chapter one hundred and eighty-seven, and by exercising the power of sale in the mortgage under the direction of the court as provided therein, a certified copy of the final decree of the court confirming the sale may, after the time for appealing therefrom has expired, be filed with the assistant recorder, and the purchaser shall thereupon be entitled to the entry of a new certificate.

In case of foreclosure by exercising the power of sale without a previous decree of court, the affidavit required by section fifteen of chapter one hundred and eighty-seven shall be filed and registered with the assistant recorder, in lieu of recording. The purchaser at the foreclosure sale or his assigns may thereupon at any time present the deed under the power of sale to the assistant recorder for filing and registration, and obtain a new certificate, after the mortgagee's duplicate, if any, has been delivered up and cancelled; but the provisions of this chapter shall not prevent the mortgagor or other person in interest, prior to the entry of a new certificate of title, from directly impeaching, by bill in equity or otherwise, any foreclosure proceedings which affect registered land.

After a new certificate of title has been entered, no judgment which may be recovered on the mortgage note for any balance due thereon shall operate to open the foreclosure or affect the title to registered land.

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LEASES.

SECTION 63. Leases of registered land for a term of seven years or more shall be registered, in lieu of recording. A lessee's duplicate certificate may be issued to the lessee upon his request, subject to the provisions hereinbefore made relative to a mortgagee's duplicate certificate, so far as they are applicable.

Leases of registered land. 1898, 562, § 64.

TRUSTS.

SECTION 64. If a deed or other instrument is filed for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest in such land without transfer, the particulars of the trust, condition, limitation or other equitable interest shall not be entered on the certificate; but a memorandum thereof shall be entered by the words "in trust", or "upon condition", or other apt words, and by a reference by number to the instrument which authorizes or creates the same. A similar memorandum shall be made upon the duplicate certificate. The assistant recorder shall note upon the original instrument which creates or declares the trust or other equitable interest a reference by number to the certificate of title to which it relates, and to the volume and page in the registration book in which it is registered. If the instrument which creates or declares a trust or other equitable interest is already recorded in the registry of deeds or of probate, a certified copy may be filed by the assistant recorder and registered.

Trusts in registered land. 1898, 562, § 65.

SECTION 65. If the instrument which creates or declares a trust or other equitable interest contains an express power to sell, mortgage or deal with the land in any manner, such power shall be stated in the certificate of title by the words "with power to sell", or "power to mortgage", and by apt words of description in case of other powers. No instrument which transfers, mortgages or in any way deals with registered land held in trust shall be registered, unless the power thereto enabling is expressly conferred in the instrument of trust, or unless the decree of a court of competent jurisdiction on a bill for instructions or other proceeding has construed the instrument in

—with power of sale, etc., how expressed. 1898, 562, § 66.

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favor of the power. In such case a certified copy of such decree may be filed with the assistant recorder, and he shall make registration in accordance therewith.

Proceedings on appointment of new trustee. 1898, 562, § 67.

SECTION 66. When a new trustee of registered land is appointed by the supreme judicial court, the superior court or the probate court, a new certificate shall be entered to him upon presentation to the assistant recorder of a certified copy of the decree and the surrender of the duplicate certificate.

Implied, etc., trusts, how established. 1898, 562, § 68.

SECTION 67. Whoever claims an interest in registered land by reason of any implied or constructive trust shall file for registration with the assistant recorder a statement thereof which shall contain a description of the land, and a reference to the number of the certificate of title and the volume and page of the registration book in which it is entered. Such claim shall not affect the title of a purchaser for value and in good faith before its registration.

Application by trustee for registration of land. 1898, 562, § 69.

SECTION 68. A trustee may file an application for registration of any land held in trust by him, unless expressly prohibited by the instrument which creates the trust.

LEGAL INCIDENTS OF REGISTERED LAND.

Incidents of registered land. 1898, 562, § 70.

SECTION 69. Registered land, and ownership therein, shall in all respects be subject to the same burdens and incidents which attach by law to unregistered land. The provisions of this chapter shall not relieve registered land or the owners thereof from any rights incident to the relation of husband and wife, or from liability to attachment on mesne process or levy on execution, or from liability to any lien of any description established by law on land and the buildings thereon, or the interest of the owner in such land or buildings, or to change the laws of descent, or the rights of partition between co-tenants, or the right to take the same by eminent domain, or to relieve such land from liability to be recovered by an assignee in insolvency under the provisions of law relative to preferences, or to change or affect in any way any other rights or liabilities created by law and applicable to unregistered land, except as otherwise expressly provided in this chapter or any amendment hereof.

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ATTACHMENTS AND OTHER LIENS.

SECTION 70. If a writing of any description or a copy of any writ is required by law to be filed or recorded in the registry of deeds in order to create or preserve any lien, right or attachment upon unregistered land, such writing or copy, if intended to affect registered land shall, in lieu of recording, be filed and registered in the office of the assistant recorder for the registry district in which the land lies, and, in addition to any particulars required in such papers for recording with records of deeds, shall also, except in the case of attachment on mesne process, contain a reference to the number of the certificate of title of the land to be affected, and the volume and page of the registration book in which the certificate is registered, and also, if the attachment, right or lien is not claimed on all the land in any certificate of title, a description sufficiently accurate for identification, of the land intended to be affected.

Attachment of registered land. 1898, 562, § 71.

SECTION 71. If an attachment or other lien or adverse claim of any description is registered, and the duplicate certificate is not presented at the time of registration to the assistant recorder, he shall, within twenty-four hours thereafter, send notice by mail to the registered owner, stating that such paper has been registered, and requesting him to send or produce his duplicate certificate in order that a memorandum of the attachment or other lien or adverse claim may be made thereon. If the owner neglects or refuses to comply within a reasonable time, the assistant recorder shall suggest the fact to the court, and the court, after notice, shall enter an order to the owner to produce his certificate at a time and place to be named therein, and may enforce the order by suitable process.

Memorandum on owner's duplicate. 1898, 562, § 72.

SECTION 72. Attachments on mesne process and liens of every description upon registered land shall be continued, reduced, discharged and dissolved by any method which is sufficient in law to continue, reduce, discharge or dissolve like liens on unregistered land. All certificates or other instruments which are permitted or required by law to be recorded in the registry of deeds to give effect to the continuance, reduction, discharge or dissolution of

Dissolution, etc., of attachments, etc. 1898, 562, § 73.

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attachments or other liens upon unregistered lands, or to give notice of such continuance, reduction, discharge or dissolution, shall, in the case of like liens upon registered land, be filed with the assistant recorder and registered in the registration book, in lieu of recording.

Provisions applicable to attachments to apply. 1898, 562, § 74.

SECTION 73. All provisions of law relative to attachments of real estate and leasehold estates on mesne process shall apply to registered land, except that the duties required to be performed by the register of deeds shall be performed by the assistant recorder for the registry district in which the land lies, who, in lieu of recording, shall register the facts required to be recorded, and for that purpose shall keep books similar to those required to be kept for attachments by registers of deeds, and the fees for registering attachments shall be the same as are provided for recording.

Indorsement of plaintiff's attorney upon writ. 1898, 562, § 75.

SECTION 74. The name and address of the plaintiff's attorney shall, in all cases in which an attachment is made, be indorsed upon the writ, and he shall be deemed to be the attorney of the plaintiff until written notice that he has ceased to be such shall have been filed for registration by the plaintiff.

Registration of orders of court, etc. 1898, 562, § 76.

SECTION 75. If an attachment on mesne process is continued, reduced, dissolved or otherwise affected by an order, decision or judgment of the court in which the action or proceeding in which said attachment was made is pending, or by an order of a court having jurisdiction in insolvency or bankruptcy, a certificate of the entry of such order, decision or judgment from the clerk or register and under the seal of the court, shall be entitled to be registered on presentation to the assistant recorder. A like certificate of the allowance by the court of an amendment which a subsequent attaching creditor or purchaser contends had the effect of dissolving an attachment may be registered as an amendment allowed, but shall not be conclusive of dissolution, unless the court in which the action or suit is pending adjudicates that the amendment dissolved the attachment, in which case a certificate of the order, as soon as it becomes absolute, shall be registered as a dissolution of the attachment.

Registration of claim. 1898, 562, § 77.

SECTION 76. If registered land is included with unregistered land in the statement required by section six of chapter one hundred and ninety-seven to

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be filed in the registry of deeds, an attested copy of such statement shall be filed with the assistant recorder and registered.

Liens on registered land, how enforced. 1898, 562, § 78.

SECTION 77. A lien of any description upon registered land shall be enforced in the same manner as like liens upon unregistered land. If registered land is set off or sold on execution, or taken or sold for taxes or for any assessment, or sold to enforce a lien for labor or materials, or the lien of a mortgagee or co-tenant arising from a payment of taxes, or for an assessment under the provisions of sections twenty-three to twenty-five of chapter fifty, or for costs and charges for taking down dangerous structures under the provisions of section seven of chapter one hundred and four, or for erecting fences along the line of a railroad corporation under the provisions of section one hundred and twenty-one of chapter one hundred and eleven or for improving meadows and swamps under the provisions of sections four to seven, inclusive, of chapter one hundred and ninety-five, or for flowing land under the provisions of section fourteen of chapter one hundred and ninety-six, or for any costs and charges incident to such liens, any execution, or copy of the execution, any officer's return, or any deed, demand, certificate or affidavit or other instrument made in the course of proceedings to enforce such liens and required by law to be recorded in the registry of deeds in the case of unregistered land, shall be filed with the assistant recorder for the district in which the land lies and registered in the registration book, and a memorandum made upon the proper certificate of title in each case as an adverse claim or encumbrance.

Application for certificate by execution creditors, etc. 1898, 562, § 79.

SECTION 78. Upon the expiration of the time allowed by law for redemption after registered land has been set off or sold on execution, or taken or sold for the enforcement of a lien of any description, the person who claims under an execution, or under a deed or other instrument made in the course of proceedings to levy such execution or enforce any lien, may petition the court for the entry of a new certificate to him, and the application may be granted. Every new certificate entered under the provisions of this section shall contain a memorandum of the nature of the proceeding on which it is based. A new certificate which is entered in pursuance of any tax title shall contain a memorandum

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that it is subject to the rights of redemption reserved in sections fifty-eight and seventy-five of chapter thirteen. At any time prior to the entry of a new certificate, the registered owner may pursue all legal and equitable remedies to impeach or annul proceedings under executions or to enforce liens of any description.

PENDING SUITS, JUDGMENTS, DECREES AND PARTITIONS.

Effect of actions, etc., how secured. 1898, 562, § 80.

SECTION 79. No writ of entry, petition for partition, or other action at law, or any proceeding in equity which affects the title to land or the use and occupation thereof or the buildings thereon, and no judgment or decree, nor any writ of error, bill of review or other proceeding to vacate or reverse any judgment or decree, shall have any effect upon registered land as against persons other than the parties thereto, unless a memorandum like that described in section twelve of chapter one hundred and thirty-four containing also a reference to the number of the certificate of title of the land affected, and the volume and page of the registration book in which it is entered, shall be filed and registered. The provisions of this section shall not apply to attachments, levies of execution, or to proceedings for the probate of wills, or for administration, in the probate court. If notice of the pendency of the action has been duly registered, it shall be sufficient to register the judgment or decree in such action within sixty days after the rendition thereof.

Registration of certificate of judgment, etc. 1898, 562, § 81.

SECTION 80. At any time after final judgment or decree in favor of the defendant, or other disposition in the manner specified in section thirteen of chapter one hundred and thirty-four, of any case in which a memorandum has been registered as provided in the preceding section, a certificate of the clerk, stating the manner of disposal thereof, as provided in said section thirteen, shall be entitled to registration.

—of judgment for demandant. 1898, 562, § 82.

SECTION 81. If judgment is entered for the plaintiff or demandant in a real action affecting registered land, except in actions of ejectment and actions under the provisions of chapter one hundred and eighty-one relative to terms of less than seven years, such judgment shall be entitled to registration

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on presentation of a certificate of the entry thereof from the clerk of the court in which the action is pending to the assistant recorder, who shall enter a memorandum upon the certificate of title of the land to which such judgment relates. If the judgment does not apply to all the land described in the certificate of title, the certificate of the clerk and the memorandum entered by the assistant recorder shall contain a description of the land which is affected by the judgment.

Registration of writ of seisin, etc., and return. 1898, 562, § 83.

SECTION 82. If an execution or writ of seisin has been issued upon a writ of entry affecting registered land and served by the officer, he shall cause an attested copy of the execution, with a return of his doings thereon, to be filed and registered within three months after the service and before the return of the execution into the clerk's office, and the demandant, if the judgment was that he was entitled to an estate in fee simple in the demanded premises, or in any part thereof, and for which execution issued, shall thereupon be entitled to the entry of a new certificate of title; but, in informations under the provisions of chapter one hundred and eighty-eight, the commonwealth shall be entitled to have the certificate of the registered owner cancelled by the court of land registration as soon as judgment is rendered in its favor.

—of certificate of judgment in writ of dower, etc. 1898, 562, § 84.

SECTION 83. If, in a writ of dower, judgment is entered confirming the report of the commissioners under the provisions of section seven of chapter one hundred and eighty, or if, in a writ of waste, judgment is entered that the plaintiff recover the place wasted, a certificate of the entry of such judgment may be registered as an encumbrance.

—of decrees in equity. 1898, 562, § 85.

SECTION 84. A decree of a court of equity which affects title or rights in registered land, whether made in the exercise of general equity jurisdiction, or in the exercise of jurisdiction conferred by statute for the quieting of titles or removing clouds from titles, as provided in chapter one hundred and eighty-two, or for any similar purpose, may be registered in the same manner as a judgment at law. But every court of equity which passes such a decree shall, upon application of the plaintiff or petitioner, order any parties before it to execute for registration any deed or instrument necessary to give effect to its decree, and may require the registered owner to deliver his

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duplicate certificate to the plaintiff or petitioner to be cancelled or to have a memorandum entered upon it by the assistant recorder. If the person who is required to execute any deed or other instrument which may be necessary to give effect to the decree is absent from the commonwealth, or is a minor, or insane, or for any reason is not amenable to the process of the court, the court may appoint a trustee to execute such instrument, which, when executed, shall be registered and shall have full force and effect to bind the land to be affected thereby.

Proceedings on judgment for partition, etc. 1898, 562, § 86.

SECTION 85. In all proceedings for partition of registered land, or for the assignment in fee of registered land claimed by husband or wife by statutory right, after the entry of the final judgment or decree of partition and the acceptance of the report of the commissioners, a copy of the judgment or decree and of the return of the commissioners, certified by the clerk or register, as the case may be, shall be filed and registered; and thereupon, if the land is set off to the owners in severalty, any owner shall be entitled to have a certificate entered of the share set off to him in severalty, and to receive an owner's duplicate therefor. If the land is ordered by the court to be sold, the purchaser or his assigns shall be entitled to have a certificate of title entered to him or them upon presenting the deed of the commissioners for registration; but any new certificate entered in pursuance of partition proceedings, whether by way of set-off or of sale, shall contain a reference to the final judgment or decree of partition, and shall be conclusive as to the title to the same extent and against the same persons as such judgment or decree is made conclusive by the statutes applicable thereto. A person who holds such certificate of title or a transfer thereof shall have the right to petition the court at any time to cancel the memorandum relative to such judgment or decree, and the court, after notice and a hearing, may grant the application. Such certificate shall thereafter be conclusive in the same manner and to the same extent as other certificates of title.

Prior registered mortgage to be again registered on registration of judgment for partition. 1898, 562, § 87.

SECTION 86. If a certified copy of a judgment or decree for partition and of the return of the commissioners is presented for registration, and if a mortgage or lease affecting a specific portion or an undivided share of the premises had previously been

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registered, the tenant who claims under the mortgagor or lessor shall cause the mortgage or lease and any duplicate certificate of title issued to the mortgagee or lessee to be again presented for registration, and the assistant recorder shall indorse on each a memorandum of such partition and a description of the land set off in severalty on which such mortgage or lease remains in force. Such tenant shall not be entitled to receive his own duplicate certificate of title until such mortgage or lease has been so presented for registration.

INSOLVENCY.

Registration of notice of warrant in insolvency. 1898, 562, § 88.

SECTION 87. The messenger shall register notice of the issuing of a warrant in insolvency or bankruptcy against a debtor who is an owner of registered land, when the same is committed to him, by filing a copy thereof with the assistant recorder.

An assignee in insolvency or trustee in bankruptcy shall be entitled to the entry of a new certificate of registered land of the debtor upon presenting and filing a certified copy of the assignment with the insolvent's duplicate certificate of title; but the new certificate shall state that it is entered to him as assignee in insolvency or trustee in bankruptcy.

—of discharge, etc. 1898, 562, § 89.

SECTION 88. If proceedings in insolvency or bankruptcy against a registered owner, of which notice has been registered, are vacated by decree, or if the court of insolvency or bankruptcy grants a discharge in composition proceedings and orders a reconveyance of land to the debtor, a certified copy of the decree, or of such discharge and order, may be filed and registered. If a new certificate has been entered in the name of the assignee in insolvency or trustee in bankruptcy as registered owner, the debtor shall be entitled to the entry of a new certificate in his name, and the certificate of the assignee or trustee shall be surrendered.

EMINENT DOMAIN.

—of land taken by eminent domain. 1898, 562, § 90.

SECTION 89. If land of a registered owner, or any right or interest therein, is taken by eminent domain, the commonwealth or body politic or corporate or other authority which exercises such right shall file for registration in the proper registry dis-

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trict a description of the registered land so taken, giving the name of each owner thereof, referring by number and place of registration in the registration book to each certificate of title, and stating what estate or interest in the land is taken, and for what purpose. A memorandum of the right or interest taken shall be made on each certificate of title by the assistant recorder, and if the fee simple is taken, a new certificate shall be entered to the owner for the land remaining to him after such taking. If the owner has a lien upon the land taken for his damages, it shall be so stated in the memorandum of registration. All fees on account of any memorandum of registration or entry of new certificates shall be paid by the commonwealth or body politic or corporate or other authority which takes the land.

New certificate upon reverter of land. 1898, 562, § 91.

SECTION 90. If land which was taken for a public use reverts by operation of law to the owner from whom it was taken or to his heirs or assigns, the court, upon the petition of the person entitled to the benefit of the reversion, after notice and a hearing, may order the entry of a new certificate of title to him.

TRANSFER BY DESCENT AND DEVISE.

Transfer by descent or devise. 1898, 562, § 92.

SECTION 91. Upon the death of a registered owner his heirs at law or devisees, upon the expiration of thirty days after the entry of a decree of the probate court granting letters testamentary or of administration, or in case of an appeal from such decree, at any time after the entry of a final decree, may file a certified copy of the final decree of the probate court and of the will, if any, with the assistant recorder, and make application for the entry of a new certificate. The court shall issue notice to the executor or administrator and to all other persons in interest, and may also give notice by publication in such newspaper or newspapers as it may consider proper, to all whom it may concern, and, after a hearing, may direct the entry of a new certificate or certificates to the person or persons entitled as heirs or devisees. Any new certificate so entered before the final settlement of the estate of the deceased owner in the probate court shall state expressly that it is entered by transfer from the last certificate by descent or devise, and that the estate is in process of settlement. After the final settlement of the estate in the

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probate court, or after the expiration of the time allowed by law for bringing an action against an executor or administrator by creditors of the deceased, the heirs at law or devisees may petition the court for an order to cancel the memorandum upon their certificate, stating that the estate is in course of settlement, and the court, after notice and a hearing, may grant the petition; but the liability of heirs or devisees of registered land for claims against the estate of the deceased shall not in any way be diminished or changed.

Executor's right to sell, etc., unaffected. 1898, 562, § 93.

SECTION 92. The provisions of this chapter shall not in any way affect or impair the jurisdiction of the probate court to license an executor or administrator or guardian to sell or mortgage registered land for any purpose for which a license may be granted in the case of unregistered land. The purchaser or mortgagee who takes a deed which is executed in pursuance of such license shall be entitled to a new certificate of title, or memorandum of registration.

ASSURANCE FUND.

Assurance fund. 1898, 562, § 94. For registration of easements see 1905, 249, § 3.

SECTION 93. Upon the original registration of land, and also upon the entry of a certificate showing title as registered owners in heirs or devisees, there shall be paid to the recorder one-tenth of one per cent of the assessed value of the land, on the basis of the last assessment for municipal taxation, as an assurance fund.

—custody and investment of. 1898, 562, § 95.

SECTION 94. All money received by the recorder under the provisions of the preceding section shall be paid to the treasurer and receiver general, who shall keep it invested, with the advice and approval of the governor and council, and shall report annually to the general court the condition and income thereof.

—action for compensation from. 1898, 562, § 96.

SECTION 95. A person who, without negligence on his part, sustains loss or damage, or is deprived of land or of any estate or interest therein after the original registration of land, by the registration of another person as owner of such land or of any estate or interest therein, through fraud or in consequence of any error, omission, mistake or misdescription in any certificate of title or in any entry or memorandum in the registration book, may bring an action of contract in the superior court for the recovery of

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compensation for such loss or damage or for such land or estate or interest therein from the assurance fund; but if the person who is deprived of land or of any estate or interest therein in the manner above stated has a right of action or other remedy for the recovery of the land or of the estate or interest therein, he shall exhaust such remedy before resorting to the action of contract herein provided. The provisions of this section shall not deprive the plaintiff of any action of tort which he may have against any person for such loss or damage, or deprivation of land or of any estate or interest therein. But if the plaintiff elects to pursue his remedy in tort, and also brings an action of contract under the provisions of this chapter, the action of contract shall be continued to await the result of the action of tort.

Action against treasurer and receiver general, when. 1898, 562, § 97.

SECTION 96. If such action of contract is brought to recover for loss or damage or for deprivation of land or of any estate or interest therein which arises wholly through any fraud, negligence, omission, mistake or misfeasance of the recorder, assistant recorder or of any of the examiners of title, in the performance of executive or ministerial duties, or of any of the assistants or clerks of the recorder, in the performance of their respective duties, the action shall be brought against the treasurer and receiver general as sole defendant. If such action is brought to recover for loss or damage or deprivation of land or of any estate or interest therein which arises wholly through any fraud, negligence, omission, mistake or misfeasance of some person or persons other than the recorder, assistant recorder or the other officers and assistants above-named, or which arises jointly through the fraud, negligence, omission, mistake or misfeasance of such other person and the recorder, assistant recorder or other officers and assistants above-named, such action shall be brought against both the treasurer and receiver general and such other person or persons, as joint defendants.

Judgments, how satisfied. 1898, 562, § 98.

SECTION 97. If there are defendants other than the treasurer and receiver general and judgment is entered for the plaintiff against the treasurer and receiver general and against some or all of the other defendants, execution shall issue against the other defendants and be levied upon them. If the execution is returned unsatisfied in whole or in part, and

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the officer returning the same certifies that the amount due cannot be collected from the land or goods of such other defendants, a justice of the superior court shall direct the clerk to certify the amount due on the execution to the auditor of the commonwealth, who shall thereupon audit and certify the amount of the execution in the same manner as claims against the commonwealth, and the treasurer and receiver general shall pay the amount out of the assurance fund, without any further act or resolve making an appropriation therefor.

If judgment in such action cannot for any reason be entered against all or any of the other defendants it may be entered against the treasurer and receiver general alone or against him and such of the other defendants as are found to be liable, and against whom judgment can lawfully be entered. If judgment is entered against the treasurer and receiver general alone, whether in a case where he is sole defendant or joint defendant with others, the justice of the superior court before whom the action is tried shall direct the clerk to transmit to the auditor a certificate of the entry of judgment and of the amount due, and the treasurer and receiver general shall pay the same upon the certificate of the auditor, as above provided.

Proceedings if assurance fund is insufficient. 1898, 562, § 99.

SECTION 98. If the assurance fund at any time is not sufficient to meet the amount called for by such certificate of the auditor the treasurer and receiver general shall make up the deficiency from any funds in the treasury not otherwise appropriated; and in such case, any amounts thereafter received by the treasurer and receiver general on account of the assurance fund shall be transferred to the general funds of the treasury, until the amount paid on account of the deficiency shall have been made up.

Subrogation of commonwealth to plaintiff's rights, when. 1898, 562, § 100.

SECTION 99. In every case in which payment has been made by the treasurer and receiver general under the provisions of section ninety-seven, the commonwealth shall be subrogated to all rights of the plaintiff against any other parties or securities, and the treasurer and receiver general shall enforce the same in behalf of the commonwealth. Amounts so recovered by the treasurer and receiver general shall be paid into the treasury of the commonwealth to the account of the assurance fund.

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Assurance fund, application of income. 1898, 562, § 101.

SECTION 100. The income of the assurance fund shall be added to the principal and invested, until said fund amounts to two hundred thousand dollars, and thereafter the income of such fund shall be used to defray, as far as may be, the expenses of the administration of the provisions of this chapter, instead of being added to the fund and accumulated.

—not liable, when. 1898, 562, § 102. 1899, 125.

SECTION 101. The assurance fund shall not be liable to pay for any loss, damage or deprivation occasioned by a breach of trust, whether express, implied or constructive, by any registered owner who is a trustee, or by the improper exercise of any power of sale in a mortgage. Nor shall any plaintiff recover as compensation in an action of contract under the provisions of this chapter more than the fair market value of the land at the time when he suffered the loss, damage or deprivation thereof.

Limitation, etc., of actions. 1898, 562, § 103.

SECTION 102. Actions of contract for compensation under the provisions of this chapter by reason of any loss or damage or deprivation of land or any estate or interest therein shall be begun within six years after the time when the cause of action accrued, and not afterward; but the plaintiff in an action for the recovery of the land or estate or interest therein in accordance with the provisions of section ninety-six may bring the action of contract for compensation within one year after the termination of such action. The action of contract herein provided shall survive to the personal representative of the registered owner, unless barred in his lifetime; but the proceeds thereof shall be treated as real estate.

POWERS OF ATTORNEY.

Powers of attorney. 1898, 562, § 104.

SECTION 103. Any person may, by attorney, procure land to be registered and convey or otherwise deal with registered land, but the letters of attorney shall be acknowledged and filed with the recorder or the assistant recorder of the proper registry district, and registered. Any instrument revoking such letters shall be acknowledged and registered in like manner.

LOST DUPLICATE CERTIFICATES.

Lost duplicate certificates. 1898, 562, § 105.

SECTION 104. If a duplicate certificate is lost or destroyed, or cannot be produced by a grantee, heir, devisee, assignee or other person who applies for the

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entry of a new certificate to him or for the registration of any instrument, a suggestion of the fact of such loss or destruction may be filed by the registered owner or other person in interest and registered. The court may thereupon, upon the petition of the registered owner or other person in interest, after notice and a hearing, direct the issue of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of a lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as the original duplicate for all the purposes of this chapter.

ADVERSE CLAIMS.

Adverse claims. 1898, 562, § 106.

SECTION 105. Whoever claims any right or interest in registered land adverse to the registered owner which arises subsequent to the date of original registration may, if no other provision is made in this chapter for registering the same, make a statement in writing setting forth fully his alleged right or interest, and how or under whom it was acquired, and a reference to the volume and page of the certificate of title of the registered owner, and a description of the land in which the right or interest is claimed. The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and designate a place at which all notices may be served upon him. This statement shall be entitled to registration as an adverse claim, and the court, upon the petition of any party in interest, shall grant a speedy hearing upon the question of the validity of such adverse claim, and shall enter such decree thereon as justice and equity may require. If the claim is adjudged to be invalid, the registration shall be cancelled. If the court, after notice and a hearing, finds that a claim thus registered was frivolous or vexatious, it may tax the adverse claimant double costs.

SURRENDER OF DUPLICATE CERTIFICATES.

Surrender of duplicate certificates. 1898, 562, § 107.

SECTION 106. If the recorder or any assistant recorder is requested to enter a new certificate in pursuance of an instrument which purports to be executed by the registered owner, or by reason of any instrument or proceedings which divest the title

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of the registered owner against his consent, and the outstanding owner's duplicate certificate is not presented for cancellation when such request is made, the recorder or assistant recorder shall not enter a new certificate, but the person who claims to be entitled thereto may apply by petition to the court. The court, after a hearing, may order the registered owner or any person withholding the duplicate certificate to surrender it, and direct the entry of a new certificate upon such surrender. If the person withholding the duplicate certificate is not amenable to the process of the court, or if for any reason the outstanding owner's duplicate certificate cannot be delivered up, the court may by decree annul it and order a new certificate of title to be entered. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of the outstanding duplicate.

If an outstanding mortgagee's or lessee's duplicate certificate is not produced and surrendered when the mortgage is discharged or extinguished or the lease is terminated, like proceedings may be had to obtain registration as in the case of the non-production of an owner's duplicate.

AMENDMENT AND ALTERATION OF CERTIFICATES OF TITLE.

Amendment, etc., of certificates. 1898, 502, § 108.

SECTION 107. No erasure, alteration or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the recorder or an assistant recorder, except by order of the court. A registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant or inchoate, have terminated and ceased; or that new interests have arisen or been created which do not appear upon the certificate; or that any error or omission was made in entering a certificate or any memorandum thereon, or on any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has married, or if registered as married, that the marriage has been terminated; or that a corporation which owned registered land and has been dissolved has not

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conveyed the same within three years after its dissolution; or upon any other reasonable ground; and the court shall have jurisdiction to hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate or grant any other relief upon such terms, requiring security if necessary, as it may consider proper; but the provisions of this section shall not give the court authority to open the original decree of registration, and nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser who holds a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

Any petition filed under the provisions of this section and all petitions and motions filed under the provisions of this chapter after original registration shall be filed and entitled in the original case in which the decree of registration was entered.

SERVICE OF NOTICES AFTER REGISTRATION.

Service of notice after registration. 1898, 562, § 109.

SECTION 108. All notices which are required by, or are given in pursuance of, the provisions of this chapter by the recorder or any assistant recorder, after original registration, shall be sent by mail to the person to be notified to his residence and post office address as stated in the certificate of title, or in any registered instrument under which he claims an interest, in the office of the recorder or assistant recorder, relating to the parcel of land in question.

All notices and citations directed by special order of the court under the provisions of this chapter, after original registration, may be served in the manner above stated, and the certificate of the recorder shall be conclusive proof of such service; but the court may in any case order different or further service, by publication or otherwise.

FEES FOR REGISTRATION.

Fees for registration. 1898, 562, § 110. For registration of easements see 1905, 249, § 3.

SECTION 109. The fees payable under the provisions of this chapter shall be as follows: —

For every application to register land under the provisions of this chapter and indexing, recording and transmitting it to the recorder, when filed with assistant recorder, three dollars.

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For every plan filed, seventy-five cents.

For indexing an instrument recorded while application for registration is pending, twenty-five cents.

For examining title, five dollars, and one-tenth of one per cent of the value of the land.

For each notice by mail, twenty-five cents and the actual cost of printing.

For all services by a sheriff under the provisions of this chapter, the same fees as are now provided by law for like services.

For each notice by publication, twenty-five cents and the actual cost of publication.

For entry of order dismissing application or decree of registration and sending memorandum to assistant recorder, one dollar.

For copy of decree of registration, one dollar.

For entry of original certificate of title and issuing one duplicate certificate, three dollars.

For making and entering a new certificate of title, including issue of one duplicate certificate, one dollar.

For each additional duplicate certificate after the first, fifty cents.

For the registration of every instrument, whether single or in duplicate or triplicate, including entering, indexing and filing same and attesting registration thereof, and also making and attesting copy of memorandum on one instrument or on a duplicate certificate when required, one dollar and fifty cents.

For making and attesting copy of memorandum on each additional instrument or duplicate certificate if required, fifty cents.

For filing and registering an adverse claim, three dollars.

For entering statement of change of residence or post office address, including indorsing and attesting same on a duplicate certificate, twenty-five cents.

For entering any note in the entry book or in the registration book, twenty-five cents.

For the registration of a suggestion of death or notice of issue of a warrant in insolvency, twenty-five cents.

For the registration of a discharge or release of mortgage or other instrument creating an encumbrance, fifty cents.

For the registration of a memorandum or certificate of entry for possession or deposition in proof thereof, fifty cents.

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For the registration of any levy, or of any discharge or dissolution of any attachment or levy, or of any certificate of or receipt for payment of taxes, or of any mechanic's lien or lien for labor or materials, or notice of any pending action or of a judgment or decree, fifty cents.

For indorsing on any mortgage, lease or other instrument a memorandum of partition, one dollar.

For every petition filed under the provisions of this chapter after original registration, one dollar.

For a certified copy of any decree or registered instrument, the same fees as are provided by law for registers of deeds by chapter two hundred and four.

In all cases not expressly provided for by law, the fees of all public officers for any official duty or service under the provisions of this chapter shall be at the same rate as those prescribed herein for like services.

PENALTY.

Penalty for fraudulent conveyance. 1898, 562, § 115.

SECTION 110. Whoever, with intent to defraud, sells and conveys registered land, knowing that an undischarged attachment or any other encumbrance exists thereon which is not noted by memorandum on the duplicate certificate of title, without informing the grantee of such attachment or other encumbrance before the consideration is paid, shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than one year.

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[ACTS 1904, CHAP. 448.]

AN ACT TO ENLARGE THE JURISDICTION OF THE COURT OF LAND REGISTRATION AND TO CHANGE ITS NAME.

Be it enacted, etc., as follows:

SECTION 1. Jurisdiction is hereby transferred from the superior court to the court of land registration, hereinafter called the Land Court, as to the proceedings heretofore held before the superior court under the following provisions of the Revised Laws: —

1. Writs of entry, under the provisions of chapter one hundred and seventy-nine.

2. Petitions to require actions to try title to real estate, under the provisions of sections one to five, both inclusive, of chapter one hundred and eighty-two.

3. Petitions to determine the validity of encumbrances, under the provisions of sections eleven to fourteen, both inclusive, of said chapter one hundred and eighty-two.

4. Petitions to discharge mortgages, under the provisions of section fifteen of said chapter one hundred and eighty-two.

The jurisdiction of the land court in the above matters shall be original and exclusive, and it shall have therein all the powers both at law or in equity now vested in the superior court, except that it shall hold no trials by jury.

SECTION 2. Writs, petitions, bills and pleadings may be filed with the recorder of the land court, or with the assistant recorder or register of deeds for the district in which the land or any part thereof lies. The assistant recorder or register of deeds shall immediately index the proceedings in the general index by the names of the parties, and transmit the papers to the recorder. The recorder shall cause copies of said papers to be made and transmitted to the assistant recorder or register of deeds for the district in which the land or any part thereof lies, who shall file the same. Whenever such papers contain a reference to any instruments recorded in the registry of deeds where they are filed, the assistant recorder or register of deeds shall cause a minute thereof to be made upon the margin of such record.

See 1910, 560, § 5.

SECTION 3. Except as otherwise provided herein the provisions of sections thirteen to seventeen, both

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inclusive, of chapter one hundred and twenty-eight of the Revised Laws, as amended by chapter four hundred and fifty-eight of the acts of the year nineteen hundred and two, shall apply to all proceedings under this act, and hearings may be held in the county where the land lies or elsewhere by agreement, or by order of the court on motion of either party after notice.

SECTION 4. The recorder shall transmit copies of all final decrees to the assistant recorder or register of deeds, for the district in which the land or any part thereof lies, who shall file and index the same in the manner provided in section two.

SECTION 5. Any judge of the land court may issue necessary citations and orders of notice in proceedings under the provisions of this act, which shall be returnable to the land court in any county in which the land or any part thereof lies.

SECTION 6. After the filing of any of the proceedings designated herein or at any time while the same are pending, the land court may, in its discretion, enter an order of reference to one of the examiners provided for under the provisions of chapter one hundred and twenty-eight of the Revised Laws, who shall examine and report on whatever matters of title or fact the court shall designate in such order of reference. The order of reference, the report and the notice thereon shall be subject to the provisions of said chapter one hundred and twenty-eight, except that the expense of such reference, examination and report may, in the discretion of the court, be awarded as a part of the taxable costs of the proceedings.

SECTION 7. Notice shall be given and service made in proceedings under this act in the manner heretofore required in the superior court, and the same time shall be allowed for appearance, answer, demurrer, or other proceedings.

SECTION 8. All causes shall be tried and all questions of fact finally determined by the court unless a respondent or tenant with his answer, or a petitioner or demandant within ten days after the time limited by law for filing an appearance and answer, or within ten days after the time allowed by the court for filing an answer, claims a trial by jury. If trial by jury is claimed, issues therefor upon any material question of fact shall, upon motion of either party, be framed in the land court, and within thirty 1910, 560, § 6.

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days after the expiration of the time for claiming a trial by jury copies thereof and of all other material papers in the case, certified by the recorder, shall be entered by the moving party in the superior court for the county in which the land lies for a jury trial thereon. Failure so to enter such copies of the issues shall constitute a waiver of the claim to a trial by jury, and thereafter the superior court shall have no further jurisdiction of the case. Upon the motion of either party in the superior court the cause shall be advanced for speedy hearing, but no matters shall be tried in the superior court except those specified in the issues. Questions of law arising in the superior court may be taken to the supreme judicial court for revision by any party aggrieved by any opinion, ruling, direction or judgment of the court, in the same manner as in proceedings at law in said court. Questions of law arising in the land court on any decision or decree may be taken by any party aggrieved directly to the supreme judicial court for revision, in the same manner in which questions of law are taken to that court from the superior court. The land court, after any decision or decree dependent upon questions of law, may report such decision or decree, with so much of the case as is necessary for understanding such questions of law, for the determination of the supreme judicial court.

SECTION 9. Section eighty-one of chapter one hundred and seventy-three of the Revised Laws is hereby amended by inserting after the word "court", in the third line, the words: — "or in the land court", — so as to read as follows: — *Section 81.* An attorney of record who is actually engaged in the trial of a cause in the supreme judicial court or in the superior court, or in the land court, or before an auditor who has been appointed by either of said courts, shall not be required to proceed to the trial of any other cause in either of said courts or before another auditor except by special order of the court.

SECTION 10. The name of the Court of Land Registration is hereby changed to the Land Court.

[*Approved June 9, 1904.*

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[ACTS 1905, CHAP. 195.]

AN ACT RELATIVE TO THE COMPENSATION OF MASTERS AND EXAMINERS IN THE LAND COURT.

Be it enacted, etc., as follows:

SECTION 1. The compensation of a master appointed under the provisions of section thirty-five of chapter one hundred and twenty-eight of the Revised Laws, and of an examiner under the provisions of section six of chapter four hundred and forty-eight of the acts of the year nineteen hundred and four, shall be awarded by the land court, and shall be paid by the county in which the land involved in the proceedings is situated, except that said compensation may be awarded by the land court in its discretion as a part of the taxable costs of the proceedings; in which case the compensation shall be paid as decreed by said court.

SECTION 2. This act shall take effect upon its passage. [*Approved March 17, 1905.*

See also section 3, chapter 249, Acts of 1905.

[ACTS 1906, CHAP. 344.]

AN ACT TO CONFER UPON THE LAND COURT JURISDICTION TO DETERMINE CERTAIN QUESTIONS RELATING TO WRITTEN INSTRUMENTS PURPORTING TO AUTHORIZE THE SALE, CONVEYANCE, MORTGAGE OR TRANSFER OF REAL ESTATE.

Be it enacted, etc., as follows:

SECTION 1. Any person having, in a representative or fiduciary capacity or otherwise, a power or authority, created by any written instrument, to sell, convey, mortgage or otherwise transfer any interest in real estate, may file a petition in the land court, setting forth the act or acts which he proposes to do by virtue of such power or authority, and praying that his power or authority under such written instrument to do such act or acts may be established.

SECTION 2. Upon such petition, after such notice as the court may direct, the court may determine the existence and extent of the power or authority of the petitioner to do such act or acts, including the existence of the necessity for its exercise and also any other fact or circumstance that may be required for the exercise of such power or authority.

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1910, 560, § 7.

SECTION 3. The provisions of chapter four hundred and forty-eight of the acts of the year nineteen hundred and four, as altered and amended from time to time, and the procedure established thereby for proceedings under said chapter, shall apply to proceedings under this act so far as the same may be applicable.

SECTION 4. This act shall take effect upon its passage. [*Approved May 2, 1906.*

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CASE NO.

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CASE NO.

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CASE NO.

BROCKTON — Concluded.
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CASE NO.

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Holyoke Street, near Mt. Auburn Street 2289
Hudson Street, corner Massachusetts Avenue 1847
Huron Avenue, corner Upland Road 1868
Huron Avenue, corner Cutler Avenue and between Cutler Avenue and Raymond Street 877
Huron Avenue, corner Hawthorne Avenue 1852
Inman Street, corner Austin Street 1226
Jackson Street, near Dudley Street 2844
Jay Street, corner River Street 232
Jordan Place 713
Jordan Place, corner Broadway, adjoining above 1069
Jordan Place, corner Broadway 2855
Kinnaird Street, No. 97, near Howard Street 2102
Kirkland Place, corner Kirkland Street 868
Kirkland Street, corner Kirkland Place 868

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CASE NO.

CAMBRIDGE — Continued.

Lakeview Avenue, No. 207, between Huron Avenue and Vassal Lane . 823
Lakeview Avenue, No. 120, near Huron Avenue 2315
Lambert Street, No. 11, near Gore Street 1407
Lambert Street, No. 25, near Cambridge Street 2412
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Lee Street, corner West Street 898
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Linnaean Street, corner Avon Hill Street 1049
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Main Street 195
Main Street, opposite Kendall Square 196
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Main Street, corner Esplanade 2090
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Massachusetts Avenue, corner Charles River Road 418
Massachusetts Avenue, near Cottage Park Avenue 987
Massachusetts Avenue, near Pleasant Street, Nos. 718–724 . . 1375
Massachusetts Avenue, corner Esplanade and Amherst Street . . 1455
Massachusetts Avenue, corner Pemberton Street 1505
Massachusetts Avenue, No. 2560, near Brookford Street . . . 1523
Massachusetts Avenue, corner Bow Street 1536
Massachusetts Avenue, corner Hudson Street 1847
Massachusetts Avenue, near Dudley Street 2248
Massachusetts Avenue, No. 1582, near Chauncy Street . . . 2578
Massachusetts Avenue, corner Everett Street 2662
May Street 2961
Mt. Auburn Street, corner Sparks Street 518
Mt. Auburn Street, corner Aberdeen Avenue 1259
Mt. Auburn Street, corner Aberdeen Avenue 1277
Mt. Pleasant Street, corner Upland Road 1187
North Street, No. 55, near East Street 1553
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Osborn Street, near State Street 2320
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Otis Street, No. 65 906
Otis Street, No. 130, between Fifth and Sixth streets . . . 2344
Oxford Street, corner Plymouth Street 313
Oxford Street, No. 105, near Garfield Street 1551
Park Avenue and Holworthy Place 55
Pearl Street, Nos. 130–132, corner Decatur Street 1203
Pemberton Street, corner Massachusetts Avenue, Fairfield Street, etc. 1505
Pine Street, corner Washington Street 2761
Pleasant Street, corner Charles River Road 403
Pleasant Street, corner Pleasant Street extension 1371
Pleasant Street, near River Street, No. 41 2420

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CASE NO.

CAMBRIDGE — Continued.

Plymouth Street, corner Webster and Oxford streets 313
Plymouth Street, No. 20 415
Plymouth Street, Nos. 78–80 608
Plymouth Street, corner Portland Street 880
Plympton Street, No. 22, near Massachusetts Avenue 1134
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Portland Street, corner Plymouth Street 880
Portland Street, corner School Street 1661
Portland Street, corner Binney Street 1737
Portland Street, near Binney Street 1737
Portland Street, corner Marcella Street 2472
Prentiss Street, corner Massachusetts Avenue 126
Prescott Street, No. 20, near Broadway 385
Princeton Avenue 418
Prospect Street, No. 150, near Broadway 1367
Prospect Street, corner Hampshire Street 2616
Putnam Avenue, near Pleasant Street 403
Putnam Avenue, corner Waverly Street 983
Putnam Avenue, near railroad 2868
Putnam Avenue, adjoining railroad 2869
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Raymond Street, corner Bellevue Avenue 784
Raymond Street, corner Walden Street 877
Raymond Street, near Linnaean Street 1049
Reed Street, No. 32, near Rindge Avenue 1247
Reed Street, near Rindge Avenue 2709
Richdale Avenue, near Walden Street 2930
Rindge Avenue, corner Sherman Street 2193
River Street, corner Jay Street 232
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Sacramento Street, corner Crescent Street 719
Sargent Street, No. 23, near Railroad Street 2312
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Seckel Street, corner Windsor Street 2924
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State Street, near Windsor Street 2110
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CASE NO.

CAMBRIDGE — Concluded.
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Washington Street, corner Columbia and Pine streets . . . 2761
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West Street, corner Lee Street 898
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Windsor Street, corner Broadway 989
Windsor Street, corner Seckel Street 2924
Windsor Street, corner Lincoln Street 2981
Worcester Street, No. 21 235
Worcester Street, No. 16 1787

CANTON:
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Jackson Street 1749
Pleasant Street 1581
Washington Street 90
Washington Street 1004
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CARVER:
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North Carver. *See* Carver.
Wenham Road, corner North Carver Road 1188

CHELMSFORD:
Billerica Street 2168
Dunstable Road 2177
Holmes Street and River Road 2781
Middlesex Street 2178
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CHELSEA:
Addison Street, No. 61, corner Spruce Street 466
Addison Street, near Washington Avenue 848
Addison Street, corner Carter Street 1839
Addison Street 2600
Arlington Street, No. 162 308
Arlington Street, between Fourth and Fifth streets 1396
Arlington Street 2322
Arlington Street, corner Fourth Street 2287
Arlington Street, No. 130, near Fourth Street 2322
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Ash Street and Walnut Street 1085
Ash Street, corner Fourth Street 1275
Ash Street, near Fourth Street 2645
Auburn Court, corner Auburn Street 1422
Auburn Street, between Maple and Carter streets 165
Auburn Street, between Maple and Spruce streets 375
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CASE NO.

CHELSEA — Continued.

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Beacon Street, No. 85 752
Beacon Street, No. 93, near Chestnut Street 2782
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Bellingham Street, corner Hawthorn Street 2407
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Bloomingdale Street, between Spruce Street and Washington Avenue . 1468
Bloomingdale Street, between Spruce and Eden streets, No. 38 . . 1677
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Broadway, corner Eastern Avenue 549
Broadway, corner Third Street 1385
Broadway, near Eleanor Street 2302
Broadway, between Congress Avenue and Fourth Street . . . 2426
Broadway, corner Congress Avenue 2437
Broadway, between Second and Williams streets, No. 158 . . . 2442
Broadway, near Grove Street 2549
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Carter Street, corner Blossom Street 1118
Carter Street, corner Addison Street 1839
Carter Street, corner Summer Street 1939
Central Avenue, corner Willow Street 835
Central Avenue, No. 101, near Highland Street 2388
Cherry Street, corner Everett Avenue 86
Cherry Street, No. 210 249
Cherry Street, No. 36, near Williams Street 1024
Cherry Street, corner Third Street 1385
Cherry Street, No. 32, near Williams Street 1426
Chester Avenue, No. 192, near Willow Street 1732
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Chestnut Street, No. 81, near Williams Street 1024
Chestnut Street, near Fifth Street 1704
Chestnut Street, near Fourth Street 2545
Chestnut Street, near Everett Avenue 2864
Clark Avenue, corner John Street 1916
Clark Avenue, corner Crescent Avenue 822
Clinton Street, corner Eastern Avenue 549
Clyde Street, corner Garfield Avenue 441
Congress Avenue, near Shawmut Street 1144
Congress Avenue, Nos. 244–246, between Willow and Highland streets 2305
Congress Avenue, between Division Street and Broadway . . . 2437
Congress Avenue, Nos. 168–172, near Highland Street . . . 2556
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Cottage Street, near Eastern Avenue 2082
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Cypress Street, corner Summer Street 1939
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Division Street, corner Park Street 891
Division Street, between Congress Avenue and Fourth Street . . 2426
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CASE NO.

CHELSEA — Continued.

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Dudley Street, near Vila Street 1291
Eastern Avenue, corner Broadway and Clinton Street . . . 549
Eastern Avenue 1620
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Eden Street, No. 34, near Orange Street 2711
Elm Street, No. 2, near Everett Avenue 446
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Essex Street, corner Shawmut Street 1360
Everett Avenue, No. 14, corner Cherry Street 86
Everett Avenue, No. 133, near Spruce Street 2104
Everett Avenue, corner Walnut Street 2307
Everett Avenue, near Arlington Street 2628
Fifth Street, near Spruce Street 1306
Fifth Street, between Walnut and Poplar streets 1494
Fifth Street, No. 85, near Arlington Street 1545
Fifth Street, near Spruce Street 1840
Fifth Street, corner Walnut Street 2852
Fourth Street, corner Ash Street 1275
Fourth Street, No. 99, near Arlington Street 1475
Fourth Street, No. 107, near Arlington Street 1561
Fourth Street, adjoining No. 1561, near Arlington Street . . . 1799
Fourth Street, corner Maple Street 2272
Fourth Street, No. 101, near and corner of Arlington Street . . 2287
Fourth Street, corner Walnut Street 2485
Fourth Street, near Arlington Street 2628
Franklin Street, corner Nichols Street 2871
Garfield Avenue, corner Clyde Street 441
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Grove Street, near Albany Street 2697
Hawthorn Street, No. 40 629
Hawthorn Street, No. 25, near Marginal Street 1513
Hawthorn Street, corner Bellingham Street 2407
Hawthorn Street, No. 66, near Congress Avenue 2596
Heard Street, near Maple Street 1812
Highland Street, Nos. 53–55, near Maverick Street 1094
John Street, corner Clark Avenue 1916
Maple Street, corner Second Street 109
Maple Street, corner Second Street 481
Maple Street, corner Second Street 845
Maple Street, corner Auburn Street 863
Maple Street, corner Fourth Street 2272
Marginal Street, corner Shurtleff Street 846
Marlborough Street, near Highland Street 787
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Matthews Street, near Highland Street 787
Michael Place 743
Michael Place, near Williams Street 2489
Nichols Street, near Franklin Street 1506
Nichols Street, corner Franklin Street, on city line 2871
Orange Street 21
Orange Street, near Washington Avenue 848
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Park Street, corner Division Street 891
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CASE NO.

CHELSEA — Continued.

Pine Street, rear No. 85 Beacon Street 752
Pine Street, rear Chestnut Street 2782
Poplar Street, corner Williams Street 1244
Poplar Street, corner Fifth Street 1494
Poplar Street, near Second Street, No. 32 2160
Poplar Street, near Fourth Street 2511
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Poplar Street, near Everett Avenue 2864
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Second Street, corner Maple Street 109
Second Street, Nos. 211–213 318
Second Street, corner Spruce Street 424
Second Street, corner Maple Street 481
Second Street, adjoining case No. 318 503
Second Street, corner Maple Street 845
Second Street, through to Summer Street and near Carter and Locust streets 1205
Second Street, near Locust Street 2397
Second Street, near Carter Street 2577
Shawmut Street, corner Essex Street 1360
Shurtleff Street, corner Marginal Street 846
Shurtleff Street, adjoining above 1236
Shurtleff Street, corner Bellingham Street 2232
Sixth Street, Nos. 87–89, near Spruce Street 1230
Spencer Avenue, corner Vila Street 734
Spencer Avenue, near Webster Avenue 2504
Spruce Street, between Second and Summer streets 424
Spruce Street, corner Addison Street 466
Suffolk Street, near Highland Street 1447
Summer Street, near Arlington Street 359
Summer Street, corner Spruce Street 424
Summer Street, near Carter Street 1205
Summer Street, near Carter Street and corner of same . . . 1939
Summer Street, between Carter and Locust streets 1954
Summer Street, near Carter Street 2577
Summer Street, near Spruce Street 2704
Summit Avenue, junction Prescott Avenue 1713
Summit Avenue, near Warren Avenue 2514
Third Street, West, between Maple and Spruce streets . . . 141
Third Street, West, between Maple and Spruce streets . . . 1254
Third Street, West, near Carter Street 1359
Third Street, between Broadway and Cherry Street 1385
Third Street, West, near Spruce Street 1545
Third Street, West, extension, corner Walnut Street 2621
Vale Street, near Carter Street 2538
Vila Street, corner Spencer Avenue 734
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Walnut Street, Nos. 60–68, between Second and Third streets . . 982
Walnut Street, between Second and Third streets 1085
Walnut Street, corner Fifth Street 1494
Walnut Street, corner Everett Avenue 2307
Walnut Street, No. 99, near Everett Avenue 2409
Walnut Street, corner Fourth Street 2485
Walnut Street, No. 175, near Fourth Street 2511

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CASE NO.

CHELSEA — Concluded.
Walnut Street, No. 93, near West Third Street extension . . . 2561
Walnut Street, near West Third Street extension 2621
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Walnut Street, near Everett Avenue 2700
Walnut Street, corner Fifth Street 2852
Warren Avenue, near Summit Avenue 2514
Washington Avenue 21
Washington Avenue, No. 191 201
Webster Avenue 21
Webster Avenue, corner Broadway 60
West Third Street. *See* Third Street.
Williams Street and Pine Street 101
Williams Street, No. 100 184
Williams Street, No. 204, near Mulberry Street 743
Williams Street, corner Poplar Street No. 93 1244
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Williams Street, No. 114–116, between Mulberry and Chestnut streets . 2155
Willow Street, corner Central Avenue 835
Willow Street, corner Congress Street 1840
Winnisimmet Street 891
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CHICOPEE:
Center Street, corner South Street 2323
Chicopee Street, near Chapel Avenue 2721
Highway from Williamsett to South Hadley Falls 2701
South Street, corner Center Street 2323

CHILMARK:
Squibnocket Beach Road, on way from 2032
Squibnocket Beach Road, right of way over 2081
Squibnocket Pond, land adjoining 2032
Squibnocket Pond, land adjoining 2081

CLINTON:
Beacon Street, rear of 587
Brook Street 903
California Court, rear of 587
Chestnut Street, rear of 587
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COHASSET:
Atlantic Avenue 1924
Atlantic Avenue 2582
Atlantic Avenue 2896
Cohasset Harbor 1924
Elm Street, through to Margin Street, adjoining Cohasset Harbor . 333
Elm Street, corner private way 1924
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Jerusalem Road 1986
Jerusalem Road 2896
Joy Place 2896
King Street 2519
King Street 2639
Margin Street, through to Elm Street, adjoining Cohasset Harbor . 333
Norfolk Road, end of 1425
North Main Street 2896
Pleasant Street and rear 1424
Private way, corner Elm Street, and from Elm Street . . . 1924

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CASE NO.

COHASSET — Concluded.
Snow Place 498
Whitehead, land at (*see* case No. 1924) 2309
CONCORD:
Middle Street 1221
CONWAY:
Highway 2014
Old Road, or Highway 2014
Road, Old 2014

DANA:
Cart Road 1830
Hardwick Road 1830
DANVERS:
Clark Street, near Hobart Street 1344
Liberty Street, between Conant and Elliot streets 1937
Maple Street 2497
Maple Street, corner Putnam Street 2859
Private Way, corner Putnam Street 2859
Putnam Street, corner Maple Street 2859
DARTMOUTH:
High Street, corner School Street 619
Pine or Piney Island, on West side of Paskamansett River or Slocum's River 527
School Street, corner High Street 619
DEDHAM:
Adams Street, near Elmwood Street (3 parcels) 2494
Adams Street, corner Mt. Vernon Street (4 parcels) 2494
Ames Street 2858
Bismarck Street, corner Summit Street 464
Bridge Street, near Pine Street 2045
Bullard Street 1452
Bussey Street, corner Clisby Avenue 2171
Cedar Street, corner Sanderson Avenue 1111
Cedar Street, corner Sprague Street 2494
Central Street, near Dale Street 634
Clisby Avenue 955
Clisby Avenue, corner Bussey Street 2171
Colburn Street, corner Ware Street 464
Court Street 1452
Dale Street, near Highland Avenue 833
East Street, running through to Mt. Vernon Street 1784
East Street, ... 2383
East Street, corner Madison Street 2494
East Street, corner Sprague Street 2494
Elmwood Avenue, corner Jefferson Street (2 parcels) 2494
High Street and Westfield Street 2030
Highland Avenue, near Dale Street 833
Hyde Park Street, corner private street 1514
Jefferson Street, corner Elmwood Avenue (3 parcels) 2494
Jefferson Street, corner Mt. Vernon Street (2 parcels) 2494
Jefferson Street, near Mt. Vernon Street 2494
Jenny Lane, corner Pine Street 348
Jenny Lane and Pine Street 652
Jennie Stevens Lane 1774
Madison Street, corner East Street 2494

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CASE NO.

DEDHAM — Concluded.

Madison Street, near Elmwood Avenue 2494
Madison Street, corner Elmwood Avenue 2494
Madison Street, corner Mt. Vernon Street, 2 corners 2494
Madison Street, near Mt. Vernon Street 2494
Milton Street 2710
Mt. Vernon Street, corner Washington Avenue (2 parcels) . . . 2494
Mt. Vernon Street, corner Adams Street (4 parcels) 2494
Mt. Vernon Street, corner Jefferson Street (3 parcels) . . . 2494
Mt. Vernon Street, near Madison Street 2494
Mt. Vernon Street, near Munroe Street 2494
Mt. Vernon Street, running through to East Street 1784
Mt. Vernon Street, corner Munroe Street 2759
Munroe Street, near East Street 2494
Munroe Street, near Mt. Vernon Street 2494
Munroe Street, corner Mt. Vernon Street 2759
Needham Street, corner Pine Street and unnamed street . . . 348
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Pine Street, corner Needham Street and unnamed street . . . 348
Pine Street, corner Jenny Lane 348
Pine Street and Jenny Lane 652
Pine Street, near Bridge Street 2045
Private street, corner Hyde Park Street 1514
Sanderson Avenue, corner Cedar Street 1111
Sandy Valley Road 1495
Sprague Street, junction East and Cedar streets 2494
Summit Street, corner Bismarck Street 464
Vine Rock Road, adjoining Charles River 2532
Walnut Street 2931
Ware Street, corner Colburn Street 464
Washington Avenue, near East Street 2494
Washington Avenue, near Elmwood Avenue 2494
Washington Avenue, corner Mt. Vernon Street (2 parcels) . . . 2494
Washington Street 2923
Wentworth Street 2209
Westfield Street and High Street 2030
Westfield Street 2603
Whiting Street 464

DENNIS:

Public road to shore 647
Town Road (both sides), 217 acres 647
Town Road (Dennisport) 1288
Town Road (both sides), new Boston 1304

DOVER:

Cross Street 2009
Cross Street, corner Dedham Street 2807
Dedham Street 2133
Dedham Street, corner Mill Street 2239
Dedham Street, opposite above lot 2239
Dedham Street 2417
Dedham Street, corner Cross Street 2807

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CASE NO.

DOVER — Concluded.
Dover and Natick Road 144
Farm Street (2 parcels and parcel in rear) 2820
Mill Street, corner Dedham Street 2239
Natick and Dover Road 144
Pine Street, way from 2646

DRACUT:
Marsh Hill Road 2040
Old Meadow Road 2164
Pleasant Street 1872

DUNSTABLE:
Main Street 1656

DUXBURY:
Border Street, rear of 919
Blue Fish River, and a lane leading easterly from the highway over Blue Fish River Bridge to land of Train 110
Cart path from East Street 1998
Chapel Street 1556
East Street, cart path from 1998
Highway, lane from, leading easterly over Blue Fish River Bridge to land of Train 110
Holmes Place, end of 1556
Josselyn Avenue 2406
Malichi Brook, land adjoining 2422
Private way from Border Street 919
Somerville Avenue 2406
St. George Street 2634

EAST BRIDGEWATER:
Avenue from Central Street 816
Bedford Street 1250
Central Street and avenues therefrom 816
Central Street, near Washington Street 2013
Union Street 1510
Washington Street 529
Washington Street, near Central Street 2013
Winter Street, adjoining town line of Whitman 1170

EASTHAM:
Great Pond and a road 1050
Road 1050

EASTHAMPTON:
Connecticut River, land adjoining 2760

EASTON:
Washington Street, adjoining cemetery 1067

EDGARTOWN:
Morse Street, corner North Summer Street 1269
North Summer Street. *See* Summer Street.
Pease's Point Way, near Morse Street 1269
Summer Street, North, corner Morse Street 1269

ERVING:
State Highway, near Millers River 2629

ESSEX:
Eastern Avenue 1121
Main Street, corner Martin Street 2136
Martin Street, corner Main Street 2136

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CASE NO.

EVERETT:

Ashton Street, corner Edith Street extension 1388
Ashton Street, near above 1388
Ashton Street, corner Falmouth Street 1388
Baldwin Avenue 203
Baldwin Place, near Baldwin Avenue 2243
Beacham Street, corner proposed street 26
Bell Rock Street, corner Pierce Avenue 2401
Bell Rock Street, corner Floyd Street 2401
Blake Court, near Belmont Street 1433
Bow Street, Nos. 151–153, near Charles Court 2607
Broadway, near Norwood Street 2112
Broadway, between Chelsea and Cottage streets 2187
Central Avenue, between Myrtle and Cedar streets 659
Chelsea Street 21
Chelsea Street, corner Broadway 2187
Cottage Street, corner Broadway 2187
County Road 21
Edith Street extension, between Rich Street and Ashton Street . . 1388
Elm Street, adjoining Woodlawn Cemetery 43
Elmwood Place 40
Everett Street 373
Fairmount Street, corner Lexington Street 2705
Falmouth Street, corner Ashton Street 1388
Ferry Street, near Shute Street 564
Ferry Street, near Union Street 2201
Ferry Street, between Orange Court and George Street . . . 2877
Fifth Street 183
Floyd Street, corner Bell Rock Street 2401
Forest Avenue, corner Main Street 257
Fourth Street, Vale Street and Pleasant Street 183
Fourth Street and Pleasant Street 183
Fremont Avenue, corner Lincoln Street 311
Fremont Avenue, corner Lawrence Street 2363
Hamilton Street, corner Tyler Street 1005
Hancock Street, rear 66
Harvard Street, No. 15 173
Harvard Street, between Lawrence Street and Woodlawn Street . 335
Harvard Street, No. 136, near Lincoln Street 1000
High Street, near Oliver Street 646
Lawrence Street, corner Fremont Avenue 2363
Lexington Street, corner Fairmount Street 2705
Lincoln Street, corner Fremont Avenue 311
Locust Street, corner Second Street 501
Main Street, corner Forest Avenue 257
Main Street, corner Pierce Avenue 2401
Malden Street 21
Malden Street, near Hamilton Street 1850
Malden Street, adjoining last above 2240
Maple Avenue, near Linden Street 1343
Mystic River, adjoining 2455
Mystic Street, near Bow Street 1007
Nichols Street, on city of Chelsea line 1506
Norman Street, marsh, etc. 1855
Pierce Avenue, between Main Street and Bell Rock Street . . . 2401
Pleasant Street, Fourth Street and Vale Street 183

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CASE NO.

EVERETT — Concluded.

Pleasant Street and Fourth Street 183
Prescott Street, near Taylor Street 41
Prescott Street, between Tremont Street and Main Street . . . 2293
Reynolds Avenue 21
Rich Street, corner Edith Street extension 1388
Rich Street, near above 1388
Sea Street, adjoining Malden town line 41
Second Street, near Broadway 273
Second Street, corner Locust Street 501
Second Street, near Locust Street (opposite 501) 599
Shute Street, near Sea Street 41
Shute Street, near Sea Street 171
Tremont Street, adjoining West Everett Station 1855
Tyler Street, corner Hamilton Street 1005
Tyler Street, near Hamilton Street 1850
Tyler Street, adjoining last above 2240
Union Street 21
Vale Street, Pleasant Street and Fourth Street 183
Vernal Street, near Jones Street 2982
Villa Avenue, several lots near Ferry Street 1680
Vine Street, opposite Fourth Street 521
Webster Avenue 21
Winthrop Street, No. 28, near Norwood Street 1516
Woodlawn Avenue 187
Wyllis Avenue, near Bell Rock Street 2401

FAIRHAVEN:

Clarke Street 1722
Davis Street 1722
Fort Street, near Church Street 2734
Green Street 2490
Harding Road, corner North Main Street 1722
Harding Road, corner Sycamore Street 2909
Lincoln Street 1722
Milton Street 1722
North Main Street, corner Harding Road 1722
Roadway from Sconticut Neck Road 1361
Sconticut Neck Road 1135
Sconticut Neck Road, roadway from 1361
Sconticut Neck Road 2118
Sycamore Street, corner Harding Road 2909
Washington Street, corner William Street 1802
Washington Street 2728
William Street, corner Washington Street 1802

FALL RIVER:

Adams Street, near Weetamoe Street 1474
Bardsley Street 1864
Bedford Street, crossing of railway location 1989
Bowers Street, end of 2942
Bullock Street 1989
Cherry Street, between June Street and Rock Street 2854
Church Street, near Slade Street 2572
Cory Street, corner Lindsey Street 1655
Cunneen Street, corner East Warren Street 1442
Danforth Street, corner Pine Street 1600

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CASE NO.

FALL RIVER — Concluded.

East Warren Street, corner Cunneen Street 1442
Elm Street, near Durfee Street 1538
Freelove Street, crossing of railway location 1989
Front Street, corner 20-foot way 1175
Hall Street, between Church Street and Wilcox Avenue . . . 2261
Highland Avenue 2142
June Street, corner Cherry Street 2854
Lindsey Street, corner Cory Street 1655
Locust Street, crossing of railway location 1989
Lyons Street, near Second Street 2308
Main Street (North) near Elm Street 1335
Main Street (North), corner Prospect Street 1379
Main Street (North), corner Turner Street 1379
Main Street (North) (Old) and New 2724
Main Street (South), corner way 1179
Main Street (South) 2942
Marble Street, corner Second Street 1861
Marion Street, crossing of railway location 1989
New Boston Road, crossing of railway location 1989
North Main Street. *See* Main Street.
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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

MALDEN — Concluded.
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CASE NO.

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CASE NO.

MARION — Concluded.
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$49\frac{63}{100}$ acres 2370
$23\frac{48}{100}$ acres 2371
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Old Boston Road, corner Mill Street 2635

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Nebo Street, near Main Street, $4\frac{7}{10}$ acres. 1438
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CASE NO.

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Capen Street, corner North Street 2046
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CASE NO.

MEDFORD — Concluded.
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MEDWAY:
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MELROSE:
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CASE NO.

MELROSE — Concluded.
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Uxbridge Road, corner Old Turnpike Road 1399

MERRIMAC:
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METHUEN:
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Brook Street, near Howe Street 96

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CASE NO.

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Pelham Street 1794
Phillips Street 39
Phillips Street 135
Phillips Street, near Centre Street 773
Phillips Street, No. 33, adjoining No. 773 case 961
Pleasant Street, near Marston's Corner 542
Pleasant Street, corner Broadway 2988
Pleasant Street, corner Walnut Street 2988
Prospect Street, corner King Street 93
Prospect Street 2803
Ridge Street, corner Cochrane Street 2988
Road leading from depot at Messer's Crossing, Salem, N. H., to Pelham, N. H. 2826
Riverdale Street, near Merrimack Street 2313
Tenney Street, near Centre Street 961
Tenney Street, near Lawrence Street 2002
Walnut Street, corner Pleasant Street 2988
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MIDDLEBOROUGH:
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MIDDLETON:
Central Street 1326
County Road 1984
Lake Street and Middleton Pond 2744
Middleton Pond, near Lake Street 2744
South Main Street 1984

MILFORD:
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East Walnut Street 702
Forest Street 520
Middleton Street 2474
Otis Street 1915
Upton to Milford, road from 897
Walnut Street (East) 702

MILLIS:
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Main Street, near Exchange Street 594
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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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CASE NO.

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Main Street (North) 2375
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South Street, crossing of railway location 1975
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CASE NO.

READING:

Auburn Street, corner Park Street 2182
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Beacon Street, corner Locust Street 1315
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Charles Street, corner Haverhill Street 1632
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Orange Street, extending through to Salem Street 603
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Pearl Street, corner Main Street 761
Pearl Street 1666
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Salem Street, corner Manning Street 1615
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Beach Street, corner Broadway 1043
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Broadway, corner Cheever Street 437
Broadway, corner Beach Street 1043
Broadway, near Mountain Avenue 1183
Broadway, corner Fenno Street 1628
Broadway, near Fenno Street 1977
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CASE NO.

REVERE — Concluded.

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Fernwood Avenue, near Broadway 2818
Franklin Avenue (Cemetery on) 2737
Franklin Place, near Franklin Avenue 1641
Hyde Street, corner Cheever Street 437
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Irving Street, corner Yeamans Street 1176
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Kilburn Street, corner Yeamans Street 1997
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Lynn Street, corner Lawrence Street 1663
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Neptune Avenue, corner Petrel Avenue 2597
Ocean Avenue, near Revere Street 1471
Page Street, near Fenno Street 1977
Park Avenue, corner Kilburn Street 1997
Petrel Avenue, corner Neptune Avenue 2597
Prospect Avenue, corner Spring Avenue 361
Prospect Avenue, corner Washington Avenue 361
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Railroad Street, adjoining railroad 2108
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Revere Beach Parkway, corner Waverly Avenue 2432
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Revere Street, adjoining railroad 1471
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Salem Street, rear of, adjoining railroad and No. 1841 petition . . 2921
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School Street, near Mountain Avenue 1183
Spring Avenue, corner Prospect Avenue 361
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Tuttle Street, near Revere Street 488
Walnut Avenue, near Franklin Avenue 1641
Washington Avenue, corner Prospect Avenue 361
Waverly Avenue, near Blake Street 1586
Waverly Avenue, corner Revere Beach Parkway 2432
Weston Street 2699
Winthrop Avenue 1985
Winthrop Avenue, corner Campbell Avenue 2432
Winthrop Parkway 739
Yeamans Street, corner Irving Street 1176

RICHMOND:

Highway from Lenox to West Stockbridge 1274
Highway from Lenox to Richmond 2051

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CASE NO.

RICHMOND — Concluded.
Lenox, highway from, to West Stockbridge 1274
Lenox Road, from, to Richmond 2051
Richmond, road from, to Lenox 2051
Richmond, road to depot 2527
Road from Lenox to Richmond 2051
Road from above road 2051
Road from West Stockbridge to Richmond Depot 2527
Road from Stockbridge to Pittsfield 2527
Shadow Brook Estate 1274
Stockbridge, highway from Lenox to 1274
Stockbridge, West, road from, to Richmond 1274
Stockbridge, West, road from, to Pittsfield 2527

ROCKLAND:
New Market Street 2780
North Avenue, crossing of railway location 1955
North Avenue, crossing of railway location 1966
Old Market Street 2780
Oregon Avenue, crossing of railway location 1955
Salem Street, crossing of railway location 1955

ROCKPORT:
Norwood Avenue, near Mt. Pleasant Street 1935
Norwood Street, near Mt. Pleasant Street 1935

RUSSELL:
County Road, corner Town Road to Barry Place 1842
Main Street, corner Town Road to Barry Place 1842
Town Road to Barry Place, corner Main Street 1842

SALEM:
Barton Square, near Washington Street 2833
Boston Street, No. 53, near Popes Court 2029
Boston Street, No. 97, between Hanson and Nichols Street . . 2767
Bridge Street, near St. Peter Street extended 993
Bridge Street, opposite Ash Street 2736
Congress Street, No. 19, near Harbor Street 1859
Essex Street, near North Pine Street 2528
Essex Street, No. 135, near Liberty Street 2568
Essex Street, near Washington Street 2833
Grafton Street, corner Hanson Street 856
Hanson Street, corner Grafton Street 856
Hanson Street, corner South Street 856
Harrison Avenue, corner Lagrange Street 2120
Jefferson Avenue, opposite Castle Hill 1563
Lafayette Street, near Forest River 2074
Lagrange Street, corner Harrison Avenue 2120
Liberty Street, No. 5, near Essex Street 2568
Nichols Street, corner South Street 856
North Street, near Mason Street 2214
South Street, corner Hanson Street 856
South Street, corner Nichols Street 856
Turner Street, near Derby Street 1086
Turner Street, near Derby Street 2638
Union Street, near Derby Street 2501
Varney Street, near Hanson Street 856

SANDWICH:
Barnstable Bay, land adjoining 2903
Bass Creek, land adjoining 2234

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CASE NO.

SANDWICH — Concluded.
Bass Creek, land adjoining 2903
Pleasant Street 1162
Scusset Harbor, land adjoining 2234
Scusset Harbor, land adjoining 2903
Scusset River and Tupper's Creek 2805
Scusset River and Tupper's Creek 2806
Tupper's Creek and Scusset River 2805
Tupper's Creek and Scusset River 2806

SAUGUS:
Auburn Court, corner Wilson Street 2189
Auburn Court, corner Pleasant Street 2189
Ballard Street, corner Salem Turnpike 1419
Ballard Street, corner Salem Turnpike, Grist Mill Estate . . . 1420
Broadway (Main and Forest streets) 194
Broadway 496
Broadway, corner Felton Street 1631
Central Street, corner Denver Street 238
Central Street (passageway from) to locus 2189
Chestnut Street, near Riverside Street 1421
Denver Street, corner Central Street 238
Denver Street, No. 92 1863
Essex Street (near Revere line) 496
Fairmount Street, near Fairmount Place 1418
Felton Street, near Broadway 873
Felton Street, corner Broadway 1631
Forest Street, corner Main Street (Broadway) 194
Main Street, corner Forest Street (Broadway) 194
Main Street, corner Vine Street (Cliftondale) 1297
Main Street 1804
Newburyport Turnpike (Broadway) 496
Pleasant Street, corner Auburn Court 2189
Salem Turnpike, corner Ballard Street 1419
Salem Turnpike, corner Ballard Street, Grist Mill Estate . . . 1420
Vine Street, corner Main Street (Cliftondale) 1297
Western Avenue 2147
Wilson Street, corner Auburn Court 2189

SCITUATE:
Beach, on corner Marshfield Avenue 1227
Beach, near Marshfield Avenue 1227
Beach Street 605
Blossom Street 207
Blossom Street 1079
Blossom Street (Goose Pasture) 1644
Boardman Avenue, corner McPherson Avenue 2687
Cliff Street 1639
County Road from Second to First Cliff 1384
Jericho Road (both sides) 2175
Marshfield Avenue, corner Beach 1227
McPherson Avenue, corner Boardman Avenue 2687
Salt Meadow, 11 acres lying by the Great Musquashcut Pond . . 1884
Surfside Road (North Scituate) 992

SEEKONK:
Burnside Avenue, between Linwood Avenue and Elm Avenue . . 2354
Elm Street, corner Burnside Avenue 2354
Linwood Avenue, corner Burnside Avenue 2354

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CASE NO.

SHARON:

Bay Road 1089
Bay Road, corner Belcher Street 2378
Beach Street, corner Norton Road 1191
Beach Street, opposite above 1191
Belcher Street, corner Bay Road 2378
Boston & Providence Railroad Company, lots adjoining . . . 1191
Brook Road 586
Chestnut Street, corner Depot Street 1526
Depot Street, corner Moose Hill Street 624
Depot Street, corner Chestnut Street 1526
High Plain Street 2951
Main Street, corner Station Street 211
Moose Hill Road 2951
Moose Hill Street, corner Depot Street 624
Moose Hill Street, corner Old Town Road 2094
Norton Road, corner Beach Street and several parcels adjoining . 1191
Old Town Road, corner Moose Hill Street 2094
Pleasant Street 751
Station Street, corner Main Street 211
Station Street, near Depot Street 1526

SHERBORN:

Pleasant Street 2502
South Street, running back to Charles River 1390
Western Avenue 2502

SHIRLEY:

Maple Street 2356

SOMERVILLE:

Ames Street, corner Central Street 263
Ames Street, corner Robinson Street 263
Beacon Street, corner Sacramento Street 369
Beacon Street, corner Washington Street 725
Bonair Street, No. 14, near Cross Street 949
Bonair Street, near Cross Street 2661
Boston Avenue, adjoining Medford line 2018
Boston Street, near Walnut Street 638
Bow Street, No. 34, near Summer Street 2144
Brastow Avenue, No. 35, near Porter Street 2625
Broadway, corner Cutter Street 393
Broadway, near Garrison Avenue 494
Broadway, near William Street 1496
Broadway, No. 298, near Marshall Street 1550
Broadway, No. 176, near Cross Street 2731
Broadway, near Autumn Street 2878
Browning Road 1376
Central Street, corner Ames Street 263
Central Street, corner Highland Avenue 1658
Central Street, near Medford Street 2949
Central Street, corner Medford Street 2962
Chandler Street, Nos. 38–40, opposite Chapel Street 2525
Cherry Street, No. 22 637
Cherry Street, corner Highland Avenue 1958
Clifton Street, No. 6, between Appleton and Morrison streets . . 2153
College Avenue, corner Kidder Avenue 1023
Cottage Avenue, Nos. 17 to 23, extending through to Elm Street . 474
Cottage Place, near Washington Street 2508

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CASE NO.

SOMERVILLE — Continued.

Court, from Somerville Avenue, near Mossland Street 1454
Craigie Street, near Summer Street 814
Cross Street, corner Everett Avenue 2892
Crown Street, near Porter Street 2625
Cutter Street, corner Broadway 393
Electric Avenue, corner Lovell Street (West Somerville) . . . 1283
Elm Place, corner Harvard Street 338
Elm Place, corner Harvard Street 2291
Elm Street, corner Grove Street (West Somerville) 213
Elm Street, Nos. 226 to 236, extending through, and Nos. 17 to 23 Cottage Avenue 474
Elmwood Street, No. 61, opposite Harrison Street 2335
Elmwood Terrace 2475
Everett Avenue, corner Cross Street 2892
Evergreen Square, No. 12, near Porter Street 1123
Evergreen Square, No. 16, near Porter Street 1151
Fairlee Street, No. 7, near Cherry Street 1573
Fiske Avenue 2196
Florence Street, corner Perkins Street 2902
Florence Terrace 472
Franklin Avenue, No. 18, near Washington Street 2743
Franklin Street, near Broadway 393
Frost Avenue, near Somerville Avenue 839
Gilman Street, No. 42, near Aldrich Street 1742
Glenwood Road, No. 46, between Medford Street and Vernon Street . 876
Glenwood Road, corner Medford Street 1873
Glenwood Road, near Vernon Street 2027
Glenwood Road, between Medford and Vernon streets . . . 2443
Grove Street (near Elm Street) (West Somerville) 214
Grove Street, corner Elm Street (West Somerville) 213
Harvard Street, corner Elm Place 338
Harvard Street, corner Elm Place 2291
Hawthorne Street, near Willow Street 679
Hawthorne Street, near Willow Street, No. 26 1825
Highland Avenue, near Cherry Street 22
Highland Avenue, between West Street and Willow Avenue . . 762
Highland Avenue, corner Central Street 1658
Highland Avenue, corner Cherry Street 1958
Joy Street, No. 22 582
Joy Street, No. 44 625
Keneson Road, near Broadway 2827
Kent Court, near Kent Street 2696
Kent Street, near Kent Court 2696
Kidder Avenue, corner College Avenue 1023
Kingman Court, Nos. 16 and 18 224
Linwood Street, No. 167, near Washington Street 1194
Linwood Street, corner Poplar Street 1321
Linwood Street, Nos. 145–147, near Washington Street . . . 2885
Lovell Street, corner Electric Avenue (West Somerville) . . . 1283
Lowell Street, near Somerville Avenue 2987
Main Street, corner Moreland Street 2215
Marshall Street, corner Veazie Street 2811
Marshall Street, corner Veazie Street 2812
Medford Street, 203 feet from Walnut Street (Winter Hill) . . 384
Medford Street (478), corner Glenwood Road 1873

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CASE NO.

SOMERVILLE — Concluded.

Medford Street, junction of Broadway 2196
Medford Street, near Broadway 2579
Medford Street, corner Central Street 2962
Merriam Street, rear of No. 13 328
Merriam Street, Nos. 13 and 15 1570
Moreland Street, corner Main Street 2215
Morrison Avenue, near Clifton Street 2925
Mossland Street, corner Somerville Avenue 1454
Mt. Vernon Street, near Broadway 130
Munroe Street, near Walnut Street 638
Murray Street, No. 1, near Washington Street 569
Mystic Avenue, near Melrose Street 1892
Norfolk Street, near Webster Avenue 1893
North Street, adjoining city of Medford line 2842
North Street, corner Russell Road 2876
Oliver Street 2732
Otis Street, near Cross Street 2661
Perkins Street, corner Florence Street 2902
Poplar Street, corner Linwood Street 1321
Preston Road, No. 29, near Preston Street 2332
Preston Road, corner School Street 2788
Putnam Street, No. 20 275
Quincy Street, No. 22 290
Raymond Avenue, near North Street 2521
Robinson Street, corner Ames Street 263
Rush Street, No. 18, near Brook Street 1906
Russell Road 1983
Russell Road, corner North Street 2876
Sacramento Street, corner Beacon Street 369
Sargent Avenue, near Broadway 2963
School Street, corner Preston Road 2788
Sherman Street 1909
Somerville Avenue, No. 192, between Shedd Street and Malloy Court . 271
Somerville Avenue, No. 194 329
Somerville Avenue, corner Mossland Street 1454
Somerville Avenue, court from, near above 1454
Somerville Avenue, near Union Square 168
Somerville Avenue, near Sacramento Street, Nos. 656–658 1679
Somerville Avenue, adjoining Fitchburg Railroad 2357
Tyler Street, near Tower Court 1323
Veazie Street, corner Marshall Street 2811
Veazie Street, corner Marshall Street 2812
Wallace Street, Nos. 45–47, near Broadway (West Somerville) . . 1295
Wallace Street, No. 67, near Broadway (West Somerville) 2210
Washington Street, No. 406, corner Beacon Street 725
Webster Avenue, Nos. 96 and 98 567
West Street, near Hawthorne Street 1329
White Street Place 2686
Woodbine Street, No. 23, near Centre Street 2979

SOUTHBORO:

Boston and Worcester Turnpike 2891
Flagg Road, corner Harry Road 2891
Flagg Road, corner Love Lane 2891
Flagg Road (Hyde Orchard) 2891
Harry Road, corner Flagg Road 2891

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CASE NO.

SOUTHBORO — Concluded.
Love Lane, corner Flagg Road 2891
Main Street, corner of another way 12
Turnpike, Boston and Worcester 2891
SOUTH HADLEY:
Main Street 1313
Park Street 1962
SPENCER:
Brooks Pond 1517
Road crossing Brooks Pond 1517
SPRINGFIELD:
Charter Avenue, near Oak Street 2796
Chestnut Street 1439
Chestnut Street, corner Liberty Street 1899
Dwight Street, between Harrison Avenue and State Street . . 1488
Eastern Avenue, corner Green Street 2569
Ferry Street 2359
Forest Park, adjoining 1414
Green Street, corner Eastern Avenue 2569
Hampshire Street 2225
Holyoke Street, corner Main Street 1805
Liberty Street, corner Chestnut Street 1899
Main Street, corner Holyoke Street 1805
Old Pecowsic Road (both sides) 1414
Park Boulevard, corner Pineywoods Avenue 2486
Pecowsic Road (both sides) 1414
Pineywoods Avenue, corner Park Boulevard 2486
Quincy Street 1925
Right of Way (both sides) 1414
Spring Street, No. 133, near Pearl Street 2752
Taylor Street, corner passageway 2257
STERLING:
Highway leading to Worcester 1673
STOCKBRIDGE:
Hatsell Buck Road 1274
Highway from Lenox to West Stockbridge 1274
Highway from Lenox to West Stockbridge 1923
Highway to Stockbridge 2222
Lenox, highway from, to West Stockbridge 1274
Lenox, highway to Stockbridge via Curtisville 1274
Lenox, highway from, to Stockbridge 1923
Machkeenac Lake 1274
Main Street 2089
Monument Mountain Road, Stockbridge to Great Barrington . . 2060
Shadow Brook Estate 1274
Stockbridge, highway from Lenox to 1274
Stockbridge, Lenox to, via Curtisville 1274
Stockbridge, highway from, to Lenox 1923
Stockbridge, highway to 2222
STONEHAM:
Emerson Street 1707
Gerry Street, corner Pine Street 1602
Hersam Street 1539
High Street 2693
Lindenwood Avenue 2944
Main Street 1172

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CASE NO.

STONEHAM — Concluded.
Main Street, corner Minot Street 1461
Maple Street 2944
Marble Street, corner Warren Street 611
Minot Street, corner Main Street 1461
Minot Street (2 parcels) 1540
North Street, near Wakefield line 2088
North Street 2657
Pine Street, corner Gerry Street 1602
Warren Street, corner Marble Street 611

STOUGHTON:
Bay Road 1089
Canton Street, rear of 639
Lincoln Street 595
Private way to Canton Street 639
Washington Street 1689

SUDBURY:
Boston Road (Great) both sides 2170
Concord, road to 2170
Great Road to Boston, both sides 2170
Marlboro Road, corner Old Mossman Road 1136
Old Mossman Road to Great Road and Powder Mills . . . 1136
Puffers Lane 2170
Road to Marlboro, corner Old Mossman Road 1136
Road to Concord 2170
Road to Sudbury 2170
Road to Boston (Great) 2170
Sudbury, road to 2170
Town Road 1136
Water Row Road (78 acres) and on Sudbury River 442

SWAMPSCOTT:
Atlantic Avenue, corner of a way to ocean 459
Atlantic Avenue, adjoining 459 544
Blaney Street, near Humphrey Street 2288
Bristol Avenue 985
Essex Street, near Stetson Avenue 1216
Essex Street, near Stetson Avenue (adjoining above) . . . 1363
Humphrey Street, nearly opposite Pleasant Street 1509
Humphrey Street, near Blaney Street 2288
King Street, Nos. 46–50, near Highland Street 1616
Monument Avenue, near Elmwood Road 648
Orient Street 205
Salem Street, near Humphrey Street 1197
Stetson Avenue, rear of 985

SWANSEA:
Gardner's Neck Road (both sides) 1836

TAUNTON:
Bay Street, near Whitteton Street 2841
Cart path, various ones, crossing of railway 1975
County Street, crossing of railway 1975
Court Street 669
Hart Street, crossing of railway location 1989
High Street, crossing of railway location 1975
High Street, crossing of railway location 1989
Ingell Street, crossing of railway location 1975

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CASE NO.

TAUNTON — Concluded.
Ingell Street, crossing of railway location 1989
Plain Street, crossing of railway location 1989
Roads unnamed, crossing of railway location 1975
Streets unnamed, crossing of railway location 1975
Unnamed streets or roads, crossing of railway location . . . 1975
Williams Street, crossing of railway location 1975

TEMPLETON:
Pleasant Street, near Summer Street (Baldwinville) 1337
Road to Baldwinville 1112

TEWKSBURY:
Andover Street, adjoining Church estate 2609

TISBURY:
Cart road, corner Edgartown Road 2702
Edgartown Road, corner cart road 2702
Main Street 1253
Main Street, near, on Town Road from 1571
Town Road 1571

TOLLAND:
Road 2840

TOPSFIELD:
High Street, adjoining Town Common 972
Main Street 445
Old Road, adjoining Town Common 972

TOWNSEND:
Brookline Street 1795

TRURO:
Atlantic Ocean 2901
Horse Leech Pond 2901

TYNGSBOROUGH:
Cummings Road 2177
Nashua Road to Tyngsborough 718
Old Road from Nashua to Tyngsborough 718
Tyngsborough Road to Nashua 718

TYRINGHAM:
Fernside Road 952
Hopbrook, land adjoining 813
Monterey Road 952
Northern Highway 813
Old Royal Hemlock Road 952
Road to Monterey 952
Road to South Lee 952
Royal Hemlock Road 952
Shakers Pond 952
South Lee Road 952
Southern Highway 813
Town Road (403.5 acres) 813
Town Road (adjoining 813 case) 1020
Upper Road 952

UPTON:
Mendon Road 2606

WAKEFIELD:
Albion Street 915
Albion Street (adjoining above) 1070
Birch Hill Avenue, corner Charles Street 918

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CASE NO.

WAKEFIELD — Concluded.
Cedar Street, near Gould Street 1033
Charles Street, corner Birch Hill Avenue 918
Chestnut Street, corner Fairmount Avenue 1116
Fairmount Avenue, corner Chestnut Street 1116
Franklin Street 1271
Gould Street, corner Walnut Street 1142
Grove Street, corner Pearl Street 112
Hopkins Street, corner South Street 2088
Lincoln Street, between Main and Crescent streets 2004
Main Street, corner Pearl Street 112
Main Street 495
Nahant Street 1271
Pearl Street, corner Main and Grove streets 112
Salem Street, rear of, where Boston & Maine tracks cross street . . 947
South Street, corner Hopkins Street 2088
Walnut Street, corner Gould Street 1142
Water Street, near Reading, Wakefield & Lynnfield Street Railway Company 1100
Yale Avenue 1572

WALPOLE:
Elm Street 154
High Plain Street 2951
Main Street, corner North Street 391
Moose Hill Road 2951
North Street, corner Main Street 391
Washington Street (both sides of street) 374

WALTHAM:
Adams Street, corner Ash Street 737
Ash Street, corner Adams Street 737
Derby Street, near Lexington Street 2299
Liberty Street, corner School Street 251
Main Street, near Willow Street 277
Main Street, No. 716 322
Main Street, near Harris Street 2560
Moody Street, corner Taylor Street 1778
Moody Street, corner Spruce Street 2648
School Street, corner Liberty Street 251
Spruce Street, corner Moody Street 2648
Taylor Street, corner Moody Street 1778
Willow Street 240
Willow Street 241
Willow Street, near Main Street 277

WARE:
Pine Street, corner private way 563
Pleasant Street, nearly opposite Parker Street 609
South Street 1888
West Street 981

WAREHAM:
Beach Street and Prospect Street 1207
County Road 357
County Road, corner Powers Avenue 357
Powers Avenue, corner County Road 357
Prospect Street and Beach Street 1207
Roads in 2361
Union Street, between Highland Avenue and Union Avenue . . 2540
Wild Rose Avenue, adjoining the sea 2433

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CASE NO.

WATERTOWN:

Arsenal Street, between Prospect and Irving streets 2430
Bailey Road, near Mt. Auburn Street 818
Bailey Street, near Mt. Auburn Street 818
Beechwood Avenue, corner North Beacon Street 2431
Belmont Street, near Common Street, ... 467
Belmont Street, corner Whitney Street 2831
Boylston Street 2143
Charles River Reservation, corner North Beacon Street 2431
Chauncy Street 2143
Concord Street 2143
Cottage Lane, adjoining Mt. Auburn Cemetery 1470
Cuba Street, corner Main Street 561
Dexter Avenue, corner Mt. Auburn Street 1440
Green Street, corner Main Street 770
Hancock Street 2143
Hazel Street 2143
Main Street, corner Cuba Street 561
Main Street, corner Green Street 770
Main Street, near Waltham line 1779
Maple Street, rear of, adjoining Newton line 2226
Melendy Avenue, corner Nichols Street 438
Melendy Avenue, corner Nichols Avenue 1229
Mt. Auburn Street, No. 239, corner Dexter Avenue 1440
Mt. Auburn Street, between Spruce and Adams streets 2143
Nichols Street, corner Melendy Avenue 438
Nichols Street, corner Melendy Avenue 1229
Nichols Street 2143
North Beacon Street, between Prospect and Irving streets 2430
North Beacon Street, corner Parkway 2431
North Beacon Street, corner Beechwood Avenue 2431
Putnam Street 2143
Revere Street 2143
School Street 2143
Stoneleigh Road and Bailey Road 818
Vernon Street 2143
Waverly Avenue, near Main Street 1920
Whitney Street, corner Belmont Street 2831
Winthrop Street 2143

WAYLAND:

Bow Road, formerly Crescent Street 2837
Gleason Street 1875
Happy Hollow Road, corner Stone Bridge Road, adjoining Sudbury River in rear 189
Highway from Wayland Centre to Natick, corner State Highway . 2850
Oxbow Road 1703
Pond Street 2998
Private way, corner Willard Street 2381
Road to Framingham 327
Road from Boston to Worcester 327
State Highway, corner highway to Natick 2850
State Road 327
Stone Bridge Road, corner Happy Hollow Road, adjoining Sudbury River in rear 189
Sudbury River (between river and Happy Hollow Road, corner Stone Bridge Road) 189
Willard Street, corner private way 2381

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CASE NO.

WEBSTER:

Goat Island 491
Long Island 1676

WELLESLEY:

Blossom Street, corner Washington Street 832
Blossom Street, near Washington Street 832
Bostonville Common 1487
Brook Street, corner Washington Street 1292
Cameron Street, end of, near Washington Street 1292
Clifford Street 1487
Donazette Street 988
Donazette Street, adjoining above 1276
Donazette Street, corner Worcester Street 1276
Donazette Street, corner Washburn Street 1401
Dover Street, near Washington Street 1090
Glen Road, near Pine Ridge Road 1268
Hopkinson Street 1487
Hopkinson Street, near Rice Street 2220
Howe Street, between Blossom and Curve streets 1212
Kilby Street, corner Worcester Street (41 acres) 1149
Kingsbury Street, corner Worcester Street 1149
Kingsbury Street, corner Worcester Street (private) 1149
Kingsbury Street, corner Washburn Street 1149
Kingsbury Street, corner Linden Street 1149
Kingsbury Street, corner Worcester Street 1276
Kingsbury Street, corner Washburn Street 1408
Linden Street, corner Wall Street 1149
Oakland Street, corner Washington and Worcester streets . . . 512
Rice Street, near Washington Street 1139
Rice Street, near Washington Street 1193
Rice Street, near Washington Street 1627
Rice Street, corner Twitchell Street 2206
Rice Street, near Hopkinson Street 2220
Rice Street, near the Aqueduct 2505
Seaver Street, near Hopkinson Street 2220
State Street, near Washington Street 2351
Twitchell Street 1487
Twitchell Street, corner Rice Street 2206
Twitchell Street, near Rice Street 2220
Wall Street, corner Linden Street 1149
Wall Street, corner Washburn Street 1149
Washburn Street, corner Wall Street 1149
Washburn Street, corner Donazette and Kingsbury streets . . . 1408
Washington Street, corner Oakland Street 512
Washington Street, corner Blossom Street 832
Washington Street, near Dover Street 1090
Washington Street, near Rice Street 1139
Washington Street, corner Rice Street 1193
Washington Street, corner Brook Street 1292
Washington Street, corner Worcester Street 2190
Wellesley Avenue 727
Wilson Street 1487
Worcester Street, corner Oakland Street 512
Worcester Street, corner Kilby Street 1149
Worcester Street, corner Kingsbury Street 1149
Worcester Street (private), corner Kingsbury Street 1149

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CASE NO.

WELLESLEY — Concluded.
Worcester Street (private), corner Kingsbury Street 1276
Worcester Street (private), corner Donazette Street 1276
Worcester Street, corner Washington Street 2190

WELLFLEET:
Atlantic Ocean 2901
Great Island 31
Great Beach Hill 31
Island, Great 31
Jeremies Point 31
Little Beach Hill 31

WENDELL:
Road 2629

WESTBORO:
Beach Street, corner Beachmont Street 931
Beachmont Street, corner Beach Street 931
Blake Street, No. 17 2012
Cedar Street, corner South Street 2131
Grove Street 1533
Milk Street, corner Phillips Street 433
Phillips Street, corner Milk Street 433
Phillips Street, adjoining above 1533
South Street, corner Cedar Street 2131

WEST BOYLSTON:
Boylston, County Road to Holden, near County Road to West Boylston 2421
Central Street, corner Worcester Street 1744
Central Street, opposite above 1744
County Road to West Boylston, near County Road, Holden to Boylston 2421
County Road, Holden to Boylston 2421
Holden, County Road to Boylston, near County Road to West Boylston 2421
West Boylston, County Road, near County Road, Holden to Boylston 2421
Worcester Street, corner Central Street 1744
Worcester Street, opposite above 1744

WEST BRIDGEWATER:
Ash Street, crossing of railway location 1970
Copeland Street, corner Main Street 2259
East Street, crossing of railway location 1970
East Center Street, crossing of railway location 1970
Main Street, corner Copeland Street 2259
Matfield Street, crossing of railway location 1970
Pine Street, adjoining railroad 2643
South Main Street, crossing of railway location 1970
Union Street, crossing of railway location 1970

WEST BROOKFIELD:
Road to North Brookfield 2683
Road to West Brookfield 2683
Wigwam Road 2683

WESTFIELD:
Granville to Westfield Highway 1835
Highway from Granville to Westfield 1835
Old Road 1835
Westfield to Granville Highway 1835

WESTFORD:
Groton Road (Forge Village) 720
Nabnassett Pond, on 1980
Plain Road on way from 1980
Road to Groton (Forge Village) 720

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CASE NO.

WESTMINSTER:
Depot Road (both sides) 1008
Gardner (South) Road and Winchendon Road 74
Gardner (South) Road and Winchendon Road 75
Massachusetts State Highway 1008
Mountain Road, both sides, adjoining Lake Wachusett . . . 70
Old Turnpike 1008
Winchendon and South Gardner roads 74
Winchendon and South Gardner roads 75

WESTON:
North Avenue, corner Viles Road 1881
Park Road, corner Riverside Road 2453
Riverside Road, corner Park Road 2453
South Avenue, adjoining Metropolitan Park 2453
Viles Road, corner North Avenue 1881
Viles Road, on street adjoining Stony Brook 2041

WESTPORT:
Highway (31 acres) opposite a cemetery and running back to Huldalis Creek and West branch of Westport River 1428

WEST SPRINGFIELD:
Westfield Road, near Elm Street 2194

WESTWOOD:
Nahatan Street, near Pond Street 865
Pond Street, near Nahatan Street 865

WEYMOUTH:
Commercial Street and private way 1141
Crescent Road, corner avenue from Pearl Street 1647
East Street 2264
Front Street, crossing of railway location 1955
Front Street 2507
Gilbert Road, corner Middle Street 2071
Lake Street (private way from) 1192
Main Street, crossing of railway location 1955
Middle Street, crossing of railway location 1955
Middle Street, corner Gilbert Road 2071
Park Avenue, crossing of railway location 1955
Park Street, crossing of railway location 1955
Pearl Street 180
Pearl Street, avenue from 1647
Pleasant Street (East Weymouth) 1552
Pleasant Street, crossing of railway location 1955
Pleasant Street 2319
Pond Street, corner passageway (South Weymouth) 966
Private way from Commercial Street 1141
Private way to Lake Street 1192
Sea Street, near Crescent Road 1647
Summer Street 1411
Summer Street, crossing of railway location 1955
Union Street, crossing of railway location 1955

WHITMAN:
Beaver Street, adjoining town line of East Bridgewater . . . 1170

WILLIAMSTOWN:
Buckley Street 1039
Buxton Road, corner Petersburg Road 623
Buxton Street 1039
Farm land 1695
Glen Street 2245

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CASE NO.

WILLIAMSTOWN — Concluded.*

Green River Road 1696
Highway from Williamstown to Pownal 999
Highway (both sides) 1994
Hoxsie Street 2467
Main Street, near South Street 1358
Main Street, corner North Street 1857
Main Street 1903
New Road to Pownal, corner Old Road 1039
North Street, corner Main Street 1857
Old Road, corner 1039
Old Road to Pownal 1039
Park Street, near Whitman Street 1817
Petersburg Road, corner Buxton Road 623
Petersburg Road, adjoining New York line 1039
Petersburg Road, way from, and in rear 1995
Pownal, Public Road to 999
Pownal, new road to 1039
Public Road to Pownal 999
Right of way from Petersburg Road 1995
South Street (West side) 429
South Street, near Main Street 1358
Spring Street 1302
Spring Street 1341
Spring Street 1880
Spring Street 2467
Stone Hill Road 1696
Walden Street 2466
Williamstown, road from 1040

WILMINGTON:

County Road, sometimes called Flint Street 2224
Flint Street, sometimes called County Road 2224
Maple Meadow Brook, on 1373
Marion Street 2626
Middlesex Avenue 489

WINCHESTER:

Abbajona River, portion of bed of, near Pleasant Street 1739
Brookside Avenue, running through to Garfield Street 973
Church Street 890
Cross Street, corner Frost Street 255
Cross Street, corner Washington Street 350
Dix Street 689
Fairmount Street, corner Highland Avenue 1569
Forest Street, corner Cross Street 255
Garfield Street, running through to Brookside Avenue 973
High Street 2624
Highland Avenue, corner Fairmount Street 1569
Highland Avenue, near Wolcott Road 2690
Lake Avenue 767
Main Street 1548
Mystic Valley Parkway, near Bacon Street 2778
Pleasant Street, near portion of bed of Abbajona River 1739
Pond Street (40 acres) 435
Washington Street, corner Cross Street 350
Washington Street, near Cross Street 2216

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CASE NO.

WINDSOR:
County Road 2450
Town Road 2450

WINTHROP:
Argyle Street, near, adjoining United States Government . . . 2816
Beacon Street, corner Hillside Avenue and Park Avenue . . . 319
Beal Street, near Lincoln Street 1788
Boston, Revere Beach & Lynn Railroad location 1930
Bowman Avenue and Sunnyside Avenue 323
Cottage Park Road, East side 1348
Crescent Street, near Shirley 2960
Crest Avenue, near Nevada Street 714
Crystal Cove Avenue, corner Hillside Avenue and Park Avenue . . 319
Grand View Avenue, and Shirley Street 1318
Hillside Avenue, corner Crystal Cove Avenue and Beacon Street . 319
Johnson Avenue, rear of, near Cottage Park Road 2447
Orlando Avenue, between Bartlett Park and Woodside Park . . 519
Park Avenue, corner Beacon Street and Crystal Cove Avenue . . 319
Park Street, corner Thornton Park 570
Parnassus Avenue (Point Shirley) 1035
Pauline Street (opposite Wheelock Street) 159
Pauline Street, near Pleasant Street 2093
Pico Avenue 2219
Pico Avenue, corner Sunnyside Avenue 620
Pleasant Street, corner Vine Avenue 2083
Point Shirley lots 136
Point Shirley lots 137
Point Shirley lots 1035
Point Shirley lots, railroad location 1930
Shirley Street (between lines of Crystal Cove Avenue and Beacon Street extended) 355
Shirley Street, opposite Park Avenue 572
Shirley Street (2 parcels), nearly adjoining above parcels . . . 575
Shirley Street and Grand View Avenue 1318
Snake Island 572
Somerset Avenue and Woodside Avenue 2518
Sunnyside Avenue and Bowman Avenue 323
Sunnyside Avenue, corner Pico Avenue 620
Sunnyside Avenue and parcel near 2219
Tafts Avenue (both sides) 1930
Thirty-foot street, adjoining United States Government land . . 2816
Thornton Park, corner Park Street 570
Vine Avenue, corner Pleasant Street 2083
Vue de Leau Avenue (Point Shirley) 1035
Vue de Leau Avenue (Point Shirley) 1930
Washington Avenue, opposite River Road 2503
Washington Avenue, near above 2571
Washington Avenue, near Shirley Street 2908
Winthrop Shore Drive, way from 2343
Winthrop Shore Drive, adjoining above 2350
Woodside Avenue, near Seymour Street 256
Woodside Avenue, adjoining Woodside Park 368
Woodside Avenue, corner Somerset Avenue 2518

WOBURN:
Alfred Street, corner Main Street 1352
Beach Street, corner Maple Court 879
Beacon Street, corner Foster Street 353

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CASE NO.

WOBURN — Continued.

Bennett Street, extending through to Pleasant Street 711
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Burlington Street, near Sheridan Street 1724
Cambridge Street, near Locust Street 1333
Carter Place, near Kilby Street 2327
Cedar Street, near Washington Street 2441
Central Street 259
Centre Street, No. 6 964
Centre Street, rear of 1829
Court Street 2273
Dow's Lane, near Warren Avenue 1950
Eastern Avenue 1077
Ellis Street, corner Pleasant Street 2394
Elm Street 349
Erie Street, near Albany Street 2895
Flagg Street, corner Franklin Street 2801
Foster Street, corner Beacon Street 353
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Gregg Street, near Pine Street 1894
Kensington Avenue, corner North Maple Street 1781
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Main Street, corner Broad Street 668
Main Street, corner Warren Street 747
Main Street, adjoining (No. 654) above 871
Main Street, corner Alfred Street 1352
Main Street, opposite Clinton Street 1557
Main Street, corner Walnut Street 2001
Maple Court, corner Beach Street 879
Maryland Avenue, corner North Maple Street 1781
Middle Street, formerly, now Mishawum Road 1443
Mill Street, junction Washington Street 927
Mishawum Road, corner Plain Street 1443
Mishawum Road, opposite above 1443
Mishawum Road, opposite second parcel 1443
Monroe Street, corner Reed Street 2394
Montgomery Avenue, corner Lancaster Street 2137
Montvale Avenue, near Tremont Street 370
Montvale Avenue, No. 291 792
Montvale Avenue, both sides adjoining canal 1032
Munroe Avenue, near a creek 1270
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North Maple Street, corner Kensington Avenue 1781
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Reed Street, corner Pleasant Street 2394
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Tremont Street, near Montvale Avenue 370

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CASE NO.

WOBURN — Concluded.

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Warren Avenue, near Dow's Lane 1950
Warren Street, corner Main Street and corner Porter Street . . 747
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WORCESTER:

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Belmont Street, corner Shrewsbury Street 64
Blossom Street, corner Russell Street 724
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Boylston Street, adjoining North Pond 58
Caroline Street, corner Plantation Street 2195
Curtis Pond 452
Curtis Street, adjoining Curtis Pond 452
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Elm Street, corner Main Street 427
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James Street, corner Ludlow Street 162
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Mt. Vernon Street, adjoining Grant Square 631
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CASE NO.

WORCESTER — Concluded.

Pond Street, corner Woodward Court 261
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Russell Street, corner Blossom Street 724
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Sherbrook Avenue, near Lake Avenue 2536
Shrewsbury Street, corner Belmont Street 64
Shrewsbury Street, corner Mulberry Street 92
Southbridge Street, corner Quinsigamond Avenue 693
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Stafford Street, corner James Street 162
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Summer Street, corner Fulton Street 92
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WRENTHAM:

Pearl Lake, Island in 2559
Whiting's Pond, Island in 2559

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